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ABSTRACT

The first part of this document presents an overview of a ninth grade social studies course. Included is a brief description of the five-unit course, a note to teachers about course content, a suggested time schedule, a comment on teaching controversial issues, a rationale and major goals of the course. The second part contains a unit on citizenship, the first of five units in the course described above. Objectives are to help students: (1) become more aware of the rights provided for them both as citizens of the school and the United States; (2) realize that although they have certain rights, these rights are limited in varying degrees and each carries a responsibility; and (3) understand that Constitutional rights also apply to them as students. The unit is divided into five areas: the school and student rights; the county and student rights; the Constitution and its application to students; the Supreme Court and its effect on students; and specific court decisions that have changed the concept of student rights. Each lesson has a stated purpose, a classroom procedure, suggested materials, and teaching variations for high, average, and low ability students. The lessons are inquiry-oriented and are based on student activities; resource pages for these activities are included. (Author/JK)

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Citizenship: Student Rights and Responsibilities.

Decision-Making in Contemporary America, Unit I.

CARROLL COUNTY BOARD OF EDUCATION

Westminster, Maryland

Fall, 1977

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TABLE OF CONTENTS

Acknowledgments	i
Course Description	ii
Note to Teacher	iii
Integration of State and Local Government	iv
Time Overview	v
Teaching Controversial Issues	vi
Rationale	ix
Major Goals	xi
Unit I: Citizenship	C-1
Unit II: Personal Decision-Making and Discussion Skills	D-1
Unit: Economic Decision-Making	E-1
Unit: Government: Political Decision-Making	G-1
Unit: Juvenile Justice System	J-1
Appendix	A-1

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Donald P. Vetter

Supervisor of Social Studies

COURSE DESCRIPTION

DECISION-MAKING IN CONTEMPORARY AMERICA

Course 251-01-10

5 periods/week 1 credit

How are official governmental decisions made? Who would make a good leader? How responsive are our elected officials? Do the police abuse their power? What is the state of the economy? Attention is paid to these contemporary questions and time is taken to investigate the process of personal and governmental decision-making in order to understand and evaluate the political and economic machinery of our society. The primary purpose of this program is to provide an awareness of citizens' rights and responsibilities under the democratic process.

Prerequisites and other notes: Recommended for Grade 9. Required for graduation.

NOTE TO TEACHERS

It is our belief that the Social Studies teacher of today must be a teacher of "action-orientation." With this point of view in mind, the 1977 Curriculum Committee revised the areas of citizenship, economics, government and law.

Because of an expressed desire for a more content-oriented base to ease the transition from middle to senior high school, the unit on citizenship was realigned as the introductory unit of the course. It was felt that this unit, more than any other, was a good beginning point consistent with the goals of the course. Student activities which have been created for this unit begin to develop in the student an awareness of the benefits which can be gained by active citizen involvement both inside and outside of the school building.

Realizing that an "action-oriented" citizenry requires certain skills to be effective and rational in its endeavors, the units on Personal Decision Making and Taking a Stand have been combined to form one unit entitled "Personal Decision-Making and Discussion Skills." The skills developed by this unit should not be treated in isolation during the two to three weeks suggested in the time overview for the course and then divorced from the course for the remainder of the year. Rather they should be continuously reinforced by your development of appropriate activities throughout the year.

The time overview for the course makes no provision for the treatment of what was a separate unit on Ideology. It is suggested that the teacher incorporate the activities from the Ideology unit where appropriate.

The time overview also makes no specific provision for dealing with State and Local Government. It has been mandated by the legislature of the State of Maryland that this subject be taught on the high school level. Accordingly, it is integrated into the government experiences. Also, four learning activities packages have been developed to supplement these activities.

Resource pages for the newly-developed units are contained in a separate booklet. This will more easily facilitate your duplication of them. Resource pages will be coded by unit letter followed by an R. (Example: Citizenship Resource Sheet Number One is CR-1).

It is obvious that the combination of an "action-oriented" classroom within a framework which emphasizes controversial issues places a greater burden on the classroom teacher. An increased awareness of your role and as well as your responsibility to self, students, and community should be facilitated by a careful perusal of the statement "Teaching Controversial Issues."

INTEGRATION OF STATE AND LOCAL GOVERNMENT

The four Learning Activities Packages recommended for this program were developed during the summer of 1974 to help classroom teachers integrate into their classroom activities the state and local government social studies requirement mandated by Maryland state law.

Listed below are suggested units for the utilization of each of the packages. While they may be used in their entirety in an individualized or self-pacing approach, they may also be reorganized and presented as separate classroom activities in a teacher-directed setting during the following experiences. Remember, activities on all three levels of government are emphasized in the unit, "Government: Political Decision-Making." included in this guide.

"The Functions of County Commissioners"
Unit: Government
Experience IV: The Executive Branch

"The County Executive Form of Government"
Unit: Government
Experience III: The Legislative Branch

Experience IV: The Executive Branch

"Interest Groups and You"
Unit: Government
Experience V: Political Involvement

"State Government and You"
Unit: Government
Experience III: The Legislative Branch

Experience IV: The Executive Branch

TIME OVERVIEW

WHEN THE COURSE IS TO BE OFFERED AS A FULL-YEAR COURSE, THE FOLLOWING SEQUENCE IS SUGGESTED.

Unit I: Citizenship	5-6 weeks
Unit II: Personal Decision-Making and Discussion Skills (4 weeks if including Careers)	3 weeks
Economic Decision-Making	9-10 weeks
Government: Political Decision-Making	11-12 weeks
Juvenile Justice System	4-5 weeks
Total	32-26 weeks

Note: Units I and II set the stage for the year's study. Accordingly, they must be taught in sequence at the beginning of the school year. However, the remaining units may be taught in any order. Limitations on materials in a given school may make it advantageous to stagger these units in accordance with coopertive plans developed with the department chairman.

WHEN THE COURSE IS TO BE OFFERED AS TWO ONE-SEMESTER COURSES, THE FOLLOWING SEQUENCE IS RECOMMENDED.

SEMESTER I

Unit I	6 weeks
Unit II	3 weeks
Economic Decision-Making	9 weeks
Sub-Total	18 weeks

SEMESTER II

Government: Political Decision-Making	11 weeks
Juvenile Justice System	5 weeks
Careers	2 weeks
Sub-Total	18 weeks

Note: During Semester I the units should be taught in the suggested sequence. However, units may be taught in any sequence during Semester II.

TEACHING CONTROVERSIAL ISSUES

It's a fact of school life: When a controversial issue is taught, nine times out of ten a member of the social studies department is doing the teaching. Why? Because an issue is controversial only when it threatens some members of the community — financially, socially, morally, legally; and financial, social, moral and legal questions are the special province of the social studies.

Whether one of the topics you would like to teach about is controversial depends, to a large degree, on where you are doing the teaching. Certain topics are controversial in high-income communities but not in low-income communities; some topics are controversial in one part of the country but not in another. And some topics will seem controversial to students themselves, while others may disturb only students' parents. The first question to ask yourself about a so-called hot topic is whether it is controversial in your community. If it is — and if it seems desirable that you teach about it — here are some suggestions for handling it successfully.

Five Imperatives for the Teacher

1. The classroom is a forum, not a place for creating resolutions or dogmatic pronouncements. A controversial issue should be examined and investigated, but students should not be asked to come up with definitive beliefs or solutions. All ideas and opinions about the topic should be accorded equal respect and weight. A student's inability to reach a final conclusion must be respected, too.

2. Students should not feel under any obligation to reach agreement among themselves. One of the goals of social studies teaching is to emphasize the value of diversity of opinion.

3. Facts about controversial issues should be brought out. Even when students seem eager to focus their attention about controversial issues, the teacher should devote as much time as possible to a thorough investigation of the facts.

4. Teachers should never express their own opinions without clearly specifying that they are opinions, and that, as such, they are subject to question even as students' opinions are.

5. The department head, supervisor, and principal should be kept informed about sensitive classroom discussions. What is said —and how students react — should be reviewed regularly, to insure that the classroom investigation does not go beyond what is agreed to be suitable and appropriate.

Questions for Consideration

In addition to the policies suggested above, please consider the following questions in making your decision.

1. Is the issue within the range of the students' interest, experience and competence?

2. Are suitable materials, containing facts and concepts on all aspects of the question, available?

3. Can the emotional impact of this issue be held within reasonable bonds, so that the teacher and his class can work intelligently toward resolving the problem?

4. Is enough time available for considering the issue in depth?

5. Is this issue one which will clash with community customs and attitudes?

It is not always necessary to forego approaching a subject which clashes with the local mores and the immediate climate of opinion. However, the teacher should do so only after seeking the advice of the principal and the supervisor. In many cases it may be best to refer the matter to the Curriculum Council for a recommendation.

The official Carroll County policy on "Personal and Academic Freedom" is stated in Article V of the Master Agreement between the Board of Education and the CCEA. This statement is reprinted below for your information.

A. The Board and the Association agree that academic freedom is basic to the attainment of Carroll County Public Schools and agree that: In performance of their teaching functions, teachers shall be responsible to provide students opportunity to investigate all facets, sides, and/or opinions of and about any and all topics and materials introduced or presented and shall have special responsibility to provide such opportunity with regard to those which are or may be of a controversial nature. Such material presented to students must be relevant to the course and appropriate to the maturity level and intellectual ability of the students. The teacher shall further be responsible to permit the expression of the views and opinions of others and to encourage students to examine, analyze, evaluate, and synthesize all available information about such topics and materials and to encourage students to form their own views and opinions through such procedures. Teachers shall at all times strive to promote tolerance for the views and opinions of others and for the rights of individuals to form and hold differing views and opinions.

B. In order to protect teachers against the infringement of pressure groups while the rights of pupils to study and discuss significant issues in an objective atmosphere are assured, the Assistant Superintendent for Instructional Services may organize an ad hoc committee composed of teachers, laymen, students, principals, and central office staff whose responsibility it will be to review complaints regarding program and make recommendations for procedures to be followed.

RATIONALE

Decision-Making in Contemporary America focuses on the analysis of political and economic processes in our society. Rather than teaching precepts and avoiding unpleasant realities, this course is designed to help students develop the ability to make rational decisions in order to solve personal problems and ultimately to participate in the shaping of public policy in a free and open society.

Because pupils do not possess an innate ability to make intelligent decisions, this curriculum promotes the development of a set of sequentially-structured decision-making skills. A pervasive concept of the program, decision-making facilitates the identification and clarification of values and highlights the need to reflect analytically on problems rather than reacting in a hasty manner. Accordingly, the major processes of decision-making are introduced through the analysis of a series of relevant situations and later transferred to the more complex realm of contemporary political and economic issues.

Since this course emphasizes the process of making rational decisions, it is essential that the components of the process reflect the mutual importance of both cognitive and affective learning domains. The knowledge on which decisions are based will be introduced on a factual level and analyzed inductively in order to facilitate conceptual understandings and ultimately the creation of broad generalizations. However, after establishing organizational generalizations, students must identify, analyze and clarify values related to the topic of investigation. This process reduces the likelihood of attitudinal indoctrination toward a rigid set of values. Instead it encourages pupils to examine their beliefs and then to articulate clear values regarding the issue. Alternative courses of action will be established and analyzed in order to facilitate the development of intelligent predictive statements.

At this point, whenever feasible, a course of action will be determined which is consistent with the value position previously identified. If the value is prized enough, it will be affirmed publicly. At times, it should be acted upon voluntarily in social action situations in either a group or an independent situation in a manner consistent with both human dignity and rational processes. However, before students participate in social action projects, they should reflect deeply on the possible consequences of their actions. Once they embark on their project, they must be willing to accept the consequences of their action.

Thus, this curriculum is based on the following approach. One, it begins by building a sound knowledge of the decision-making process. Two, the focus is then placed on the development of communication skills, especially group interaction. Three, emphasis is directed toward the establishment of a solid base of knowledge and expanded to conceptual understandings. Four, the integration of cognitive and affective

learnings is thereby facilitated by the introduction of values clarification activities related to the issue under investigation. Ultimately, the development of good citizenship traits is promoted by pupil involvement in appropriate social action projects which reinforce and extend in a viable way the learnings which have just transpired.

Ultimately, the major goal of this curriculum is for each ninth grade student to improve his ability to analyze American society and its complex interrelationships. In doing so, he will have an opportunity to inquire into the meaning of his personal values and to consider the consequences of behaving in a manner consistent with those values. Finally, each pupil should develop the realization that human conflict is constantly with us, and that man's supreme achievement is the management and resolution of his differences.

Donald P. Vetter

Supervisor of Social Studies

MAJOR GOALS

The seventeen goals listed below are ones which should be emphasized during the ninth grade. However, you are urged to review carefully the complete statement of goals and skills found on pages 4-8 and 14-21 of the bulletin, Social Studies Curriculum Design: K-12, Carroll County Public Schools: Westminster Maryland, 1971.

I. Knowledge Goals

1. The student will acquire conceptual understandings which will enable him to derive more meaning from his experiences and the experiences of others.

2. The student will develop a sense of self-worth and personal identity, based on a knowledge of his heritage.

3. The student will comprehend and analyze social, political and economic processes and how they interact.

4. The student will comprehend the role of a government as an institution created by the people to further the general welfare of the persons who compose it.

5. The student will acquire the knowledge needed to understand that all humans are individuals and as such are deserving of dignity.

6. The student will demonstrate his understanding of the processes of the scientific method by engaging in inductive and deductive thinking.

7. The student will realize that there are no ultimate solutions to complex issues and that tentative answers are necessary.

II. Study Skills and Inquiry Goals

The student will acquire the abilities needed to:

1. Operate effectively as an individual member of a group engaged in a cooperative venture both as a leader and as one who follows.

2. Formulate analytical problems from appropriate sources of information after which he can:

   a. Develop a tentative answer or hypothesis
   b. Gather pertinent data from varied sources
   c. Analyze, evaluate, and interpret data
   d. Evaluate tentative answers of basis of data and accept, reject or modify hypotheses as necessary
   e. State a generalization or appropriate answer to an analytical problem.

3. Clarify, analyze, and justify personal views on controversial issues in order to examine the logical consistency of one's beliefs.

4. Discriminate between statements of fact and opinion such as editorials, commentary, and propaganda.

III. Value Goals

1. The student will value the ability to think independently and remain openminded while objectively examining different points of view.

2. The student will value his right to use democratic processes to attain his end rather than resort to violent means to achieve his goal.

3. The student will value the democratic belief that people are capable of governing themselves. If the needs of the people are not fulfilled by persons given governing powers, it is the right of these people to change, by lawful means, their existing government.

4. The student will appreciate the freedom to assemble freely and to worship openly, and he will value the right to express oneself freely.

5. The student will realize that the beliefs of the majority shall wield decisive powers, but the rights and opinions of the minority must be respected and protected.

6. The student will value the right of a person to cooperate or dissent as one's conscience dictates because of his respect for independence of thought and action by an individual.

Unit I: Citizenship

A. Rationale:

This unit has been divided into two Experiences. Experience I is called "Student Rights and Responsibilities." This has been a topic of great concern in recent years. Did you know that Carroll County has a student code which is based on state guidelines? Did you know that you - a student - may file a grievance if you believe your rights have been violated? These are all rights which are guaranteed to you - and all Carroll County students. Many of these rights will also apply to you as an adult. Therefore it's a good idea to become familiar with them now.

There is a need to develop a better understanding and working relationship among administrators, parents, teachers, and students. For this reason, Experience I will attempt to help you:

a. become more aware of the rights provided for you both as a citizen of this school and the United States.
b. realize that although you have certain rights, these rights are limited in varying degrees and each carries a responsibility which is your duty to fulfill.
c. understand that Constitutional rights also apply to you as a student. These rights are both guaranteed and protected.

Experience II is called "Vandalism: The Price is High." How many times have you heard about someone deliberately destroying property? How often did you attempt to prevent it or do something about it? How many times did you laugh when you heard of the damage?

Vandalism is not a laughing matter. In fact, vandalism in the schools seems to be growing at an alarming rate. In 1972-73, U.S. News and World Report estimated that vandalism cost schools $500,000,000 that year. It would appear that vandalism is no longer a problem we can ignore. For this reason, we are going to take a look at the concept of vandalism and analyze the problem in detail. This experience will help you:

a. become aware of the high cost of vandalism, as well as the cost of repairing the damage.
b. realize that vandalism can be a dangerous business.
c. recognize that there are things you can do to help alleviate the problem.

B. Major Objectives:

1. You will identify, analyze, and evaluate the major rights and responsibilities guaranteed to you as a citizen of this school and as a citizen of the United Staess.

2. You will recognize the causes of vandalism and suggest ways to alleviate the problem.

C. Key Questions:

1. What rights and responsibilities do you have as a citizen of your school, and how do these compare with your rights and responsibilities as a U.S. citizen?

2. What are the causes of vandalism and how does vandalism affect you as a citizen of your school and community?

D. Major Skills:

1. Upon completion of this unit you will be able to:

    1. Aquire information through reading, listening, and observing.
    2. Interpret and evaluate information.
    3. Communicate orally and in writing.
    4. Justify personal views on a given issue.

Experience I: Student rights and responsibilities

A. Key Question:

What rights and responsibilities do you have as a citizen of your school and how do these compare with your rights and responsibilities as a U.S. citizen?

B. Purpose:

This unit has been designed to help the student become more aware of his rights as a citizen within his school system. The activities are geared to not only the awareness of rights but also the fact that all rights are limited and with each comes a responsibility to be fulfilled. The student will then have the opportunity to compare his role as a citizen of the school with his role as a U.S. citizen.

C. Objectives:

The student will identify, analyze, and evaluate the major rights and responsibilities guaranteed to him as a citizen of his/her school and as a citizen of the U.S..

1. Given a variety of sources concerning student rights and responsibilities, the student will state an opinion regarding the necessity and practicality of each.

2. Through the formulation of data, the student will realize that all rights are limited depending on a given situation.

3. Given a copy of the school's student handbook, the student will state objections to given school rules, deliver reasons for these objections, and formulate viable alternatives.

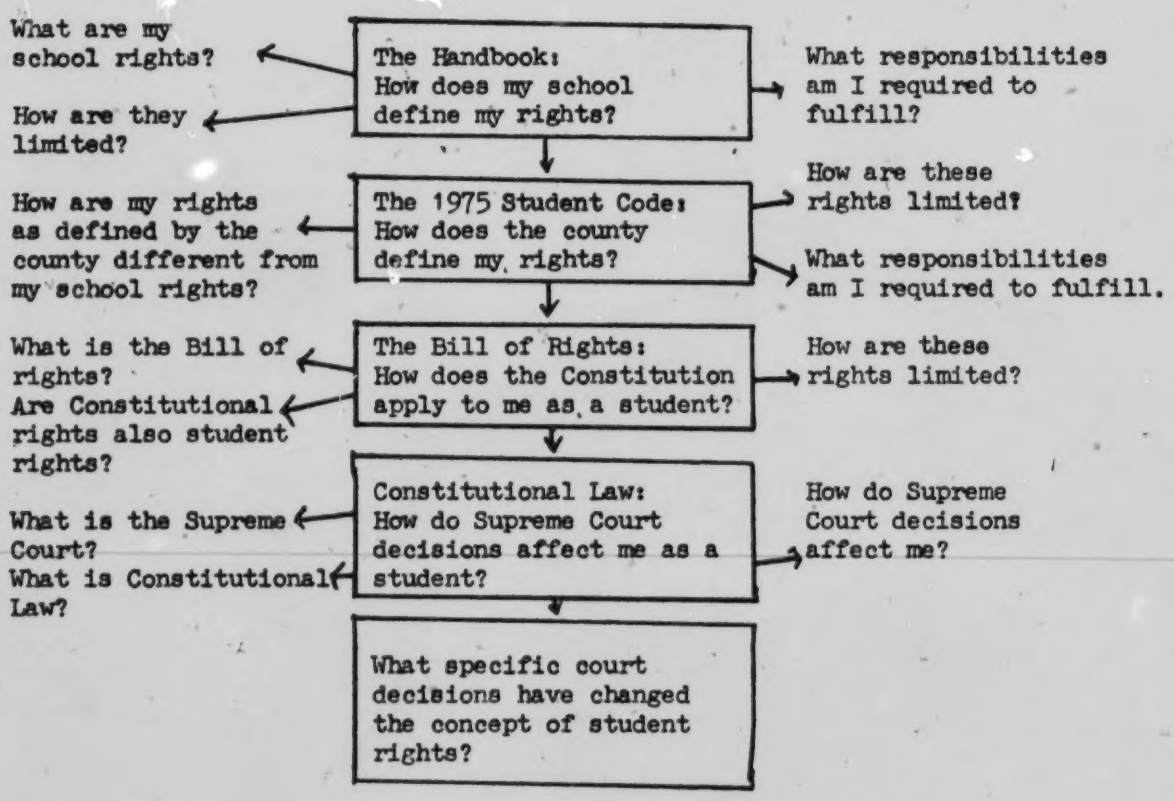
4. Through the analyzation of data, the student will reach a conclusion regarding the fact that with each right comes a responsibility which is his/her duty to fulfill.

5. Given a variety of case study material, the student will analyze and evaluate the data and make a conclusion.

6. Given a copy of the Bill of Rights, the student will list specific freedoms and limitations which are defined by this document.

7. Given a series of examples, the student will define Constitutional law and recognize the fact that Supreme Court interpretations may directly effect students' rights.

Teacher Over-View of
Experience I:
Student Rights and Responsibilites


What are my school rights?
How are they limited?
The Handbook: How does my school define my rights?
What responsibilities am I required to fulfill?
How are my rights as defined by the county different from my school rights?
The 1975 Student Code: How does the county define my rights?
How are these rights limited?
What responsibilities am I required to fulfill.
What is the Bill of rights?
Are Constitutional rights also student rights?
The Bill of Rights: How does the Constitution apply to me as a student?
How are these rights limited?
What is the Supreme Court?
What is Constitutional Law?
Constitutional Law: How do Supreme Court decisions affect me as a student?
How do Supreme Court decisions affect me?
What specific court decisions have changed the concept of student rights?

D. Suggested Activities:

1. How much do you know about student rights and responsibilities?

a. Introduction to Student Rights and Responsibilities (Objective I).

Purpose: This lesson has been designed as a pre-test to assess how much the student already knows. Through the analysis of student responses, the teacher can decide which areas need to be emphasized. It will also give the student practice in speaking before the class, formulating on opinion, reaching a conclusion, and justifying his personal view. There are no right or wrong answers to the pre-test.

Procedure:

(1) Hand out copies of CR-1
(2) Read each item aloud for students before they begin. Some items may require some explanation if the student is to fully understand the implication. (ex. 2 - libelous, 7-due process.). There is no need at this point to go into a lengthy explanation of terms, simply offer enough explanation so the student understands the meaning of the item.
(3) Read and explain directions given on resource sheet.
(4) Allow time for students to complete resource.
(5) Tally resluts on board.
(6) Debrief on the basis of personal views, conclusions, and justification. Try to stimulate as many differing points of view as possible.
(7) Ask students to retain resource sheet for later reference and use.

Materials: CR-1

2. What rights are guaranteed within the individual school ?

a. Rights provided in the student handbook (Objective I)

Purpose: The purpose of the lesson is to allow the student to examine the student handbook and identify the rights he/she has within that given school. It will also serve as a focal point for following activities dealing with student responsibilities and "limited" rights.

Procedure:

Average-Low Ability

(1) Hand out copies of the student handbook. Since each high school has designed its own handbook, they are not uniform in content or structure. This lesson should be adapted to the available materials and to the wants and needs of the pupils in each class.
(2) Ask students to skim the handbook from cover to cover. You may wish to assign this as homework the night before if each student has a handbook to take home.
(3) After reading, divide students into groups of 3 or 4. Hand out copies of CR-2. Read over directions with students. Assign a given number of pages in the handbook to each individual group so that each group is working on a different segment.
(4) Allow time for students to complete resource sheet.
(5) Debrief by listing the rights the students have compiled on the board. Have students make a complete list on back of ditto.
(6) When list is complete, ask students to rank the items (1 - this is the most important right, 2 - this is the next in importance, and so on.)
(7) Survey the class attitudes and rank the board list based on the majority opinion. If time permits, allow students to justify their opinions.
(8) Ask students to retain their copy of CR-2 for later use.

Variation:

(1) High Ability:
   (a) Have students do the entire activity independently.
   (b) Have students hypothesize, "What rights do you have as students that also apply to adult citizens?" This list may be used for later reference in this unit.

(2) Low Ability:
   (a) Proceed through the entire lesson as a directed reading activity.
   (b) Ask students to list the rights they have as members of their family. Debrief by showing a correlation between family rights and school rights.

3. How would you change your student handbook?

a. Developing alternatives and making decisions. (Objectives 1,3)

Purpose: This activity has been designed to help the student analyze the rules he is required to follow. Criticism will be encouraged but only if the student has a better alternative. In this manner, the idea of student responsibility will be apparent.

Procedure:

(1) Hand out copies of student handbook. Ask students to get out completed copies of CR-2 used the previous day.
(2) Recall: Yesterday we looked at the rights you have as a citizen of this school. Even though you have certain rights you can enjoy, you also have certain rules you must follow. Some of these rules you probably don't mind at all. Others, however, you would probably like to change. You are going to have the opportunity today to consider changing some of these rules.
(3) Hand out copies of CR-3. Go over directions with students. Students should use CR-2 and Handbook to complete CR-3. Inform students that their answers in the second column should be explicit and concise. Answers such as: "I think it's stupid" will not be accepted.
(4) Allow time for students to complete activity.
(5) Debrief by allowing students to state their ideas. Numerous alternatives to a single rule may be compiled.
(6) You may wish to take the activity further by actually trying to change a rule through one of the proposed alternatives. The following methods are suggested:

(a) Have class prepare a list. Ask a homeroom representative to present the list to the S.G.A.
(b) Ask the president of the S.G.A. to come in as a guest speaker. Present ideas at that time.
(c) Ask a vice-principal to come in as a guest speaker. Present ideas at that time.
(d) Run a survey in the school paper to see how the rest of the student body feels about your complaint. Ask for their suggestions through "Letters to the Editor." Take action through the proper channels. (Be sure to clear this with proper authorities first.)

Variations:

You may wish to discuss why rules are necessary before going into changing rules and proposing alternatives. You can do this by playing the "eraser game." This is outlined below:

The Eraser Game

(1) Inform students they are going to play the eraser game. Do not tell them anything else.
(2) Hand a student in the first row an eraser. Tell him to play the game. Ideally, she/he will just look at you and not know what to do.
(3) Ask student why she/he doesn't know what to do. (Because you didn't give us any rules.)
(4) Inform students that they may make any rule they wish. Write it on the board. Usually then will say something like pass the eraser to the person on the right or to the person behind you.
(5) Proceed following this single rule for about 5 minutes. Students will get bored and probably tell you so.
(6) Ask another student to make a rule to make the game more interesting. Write it on the board and play the game following these two rules.
(7) Stop periodically and ask students to make a rule. Continue to list them on the board. Continue this process until you have at least 20 rules.
(8) The game will become increasingly difficult as you continue to add rules. Eventually, students will run out of ideas for rules and begin to say things that are ridiculous- further complicating the game. Eventually, it will be impossible to go on.
(9) Debrief based on CR-4.

Have students list all the rules they have to follow as of their family. Divide them into good and bad. Ask students to list alternatives for the bad rules. They may wish to follow up on this by discussing the alternatives with their parents. Draw correlation between family rules and school rules.

Materials:

(1) CR-2 (completed)
(2) CR-3
(3) CR-4
(4) Student handbook

4. Are my rights as a student unlimited and guaranteed without personal responsibility?

(a) Limitations on student rights; the relationship between rights and responsibility. (Objectives 2, 4)

Purpose: This lesson has been designed to help the students realize that all rights are limited and for each right they have a personal responsibility which must be fulfilled in conjunction with it.

Procedure :

(1) Hand out copies of CR-5. You may wish to make a transparency of CR-5 instead of handing out individual copies.
(2) Hold class discussion based on questions on CR-5 .
(3) Ask students to list what they consider to be four general freedoms or rights which are a continuing theme throughout their handbook. Emphasize the fact that you are looking for general freedoms (freedom to dress, speech, etc.) and not specific freedoms (freedom to buy a coke after school).
(4) Allow time for students to complete the activity. Ask several students to read their lists aloud and write their answers on the board.
(5) Pose questions: Are these freedoms absolute or unlimited freedoms? (You may have to give an example before students will understand what you are looking for) Suggested example: It is obvious that, as a student, you have freedom of speech just as an adult does. However, this is not total or unlimited freedom of speech. You have the right to talk while eating lunch in the cafeteria, but you do not have the right to create a panic by running through the cafeteria and screaming "Fire". This is one limitation on your freedom of speech in school. You have the right to express your opinion in class, but you do not have the right to shout obcenities at your teachers or other students because you do not agree with their opinion. This is another limitation on your freedom of speech within the school.
(6) Ask students to re-read the list which you have compiled on the board, and write a limitation for each of the freedoms listed.
(7) Ask volunteers to read their responses and record their limitations on the board.

(8) Pose Question: For each freedom you have, there is a responsibility that goes with it. What are the responsibilities you must fulfill in order to enjoy the freedoms we have listed on the board?

Suggested Example:

Freedom: Freedom of Speech

Limitation: Can't shout "fire" in cafeteria. can't shout obcenities in class.

Responsibility: To see that you do not get involved in the limitations listed above and to do your best to prevent someone else from committing them. It is also your responsibility to report them to the necessary authorities if necessary.

(9) Allow time for students to complete activity. Ask volunteers to read answers and record them on the board.

(10) Summarize by asking students to make generalizations about the nature of freedom. (What can you tell me about the characteristics of freedom after today's lesson?)

Suggested Response:

a. Freedom is not total or absolute
b. All freedoms are limited.
c. With each freedom comes a responsibility which is my duty to fulfill.

Note to the teacher:

CR-8 may be adapted to this activity

Variations:

Using the examples given above:

(1) High Ability: explain that all freedoms are limited and with each comes a responsibility. Do not have students do the activities using the hand book. Instead, hand out copies of CR-7 and CR-8 and follow directions given. You ideally should read over CR-7 with students. Some terms may require explanation. Allow time for students to complete activity. Debrief.

(2) Average and Low Ability:

Hand out copies of CR-9. Ask students to explain what the cartoon means. Using their responses, introduce the idea of limitations on freedom. Pose Question: What kinds of things might the school not allow you to print in the school newspaper? Reinforce the idea of limitations. Pose Question: If you knew someone was going to print something in the school newspaper that would cause a problem, what should you do? Introduce the

idea of responsibility in conjunction with freedoms. Culminate the activity by asking students to pick one freedom from the student handbook and draw a cartoon which could illustrate that freedom's limitation.

Materials:

(1) Student handbook
(2) CR-5
(3) CR-6
(4) CR-7
(5) CR-8
(6) CR-9

Teacher Resources:

(1) Cuban, Larry (ed.): Youth as a Minority: An Anatomy of Student Rights.

(2) Ladd, Edward T.: Student's Rights and Discipline.

5. Do my rights as a student within this county differ from my rights as a student within the school?

a. Comparison of the 1975 County Code and the student handbook. (Objectives 1,2,4)

Purpose: The purpose of this activity is to compare the county code with the school handbook. It will be emphasized that the 1975 County Code has been mandated by the State Department of Education. Many of these rights are guaranteed by the federal and state government, and not just by local authorities. Nonetheless, they are subject to interpretation, as slight discrepencies in the student's handbook will indicate. It will also be emphasised that the compilation of, adherence to, and revision of any or all of these rights was and is the combined responsibility of parents, teachers, and students.

Procedure:

(1) Hand out copies of the 1975 Student Code. If printed copies are not available, ditto masters have been provided for you. (CR-10).
(2) Prepare an introduction to the code which will include the following:
    (a) Purpose
    (b) Background
    (c) Procedure (You may wish to refer students to the "Introduction" page which will adequately explain this.

(3) Refer students to the Table of Contents. Read aloud the topics to be covered and explain any terms they do not understand. This should be minimal; students should be familiar with most of the terms as a result their study of the student handbook.
(4) Ask students to get out copies of their handbook and/or the dittoes they completed concerning the handbook. (CR-2, CR-3, CR-8).
(5) Ask students to go through the 1975 code and underline anything they consider to be a discrepency, violation, or omission in relation to their handbook. Inform students that they should be prepared to justify their positions in class.
(6) Allow time for students to complete activity.
(7) Debrief based on CR-11.
(8) Homework: CR-12.

Variations:

(1) High ability: Through a chart, list, or whatever, have students compare the 1975 Code with CR-7. Inform them that CR-7 applies nation-wide.

(2) Average and Low Ability:
Any of the activities constructed for the student handbook may be adapted for use with the student code (CR-2, CR-3, CR-7, CR-8). Teacher should decide whether or not these activities would be worth repeating with the activities again using the Student Code. It is by no means suggested that the teacher repeat all (or necessarily any) of the activities. If the handbook has been covered thoroughly, one lesson (as outlined above) on the Student Code should be sufficient.

Materials:

(1) Student handbook.
(2) Copies of 1975 Carroll County Student Code or CR-10.
(3) CR-11.
(4) CR-12.

6. What is the Bill of Rights?

a. Introduction to the Bill of Rights. (Objective 6.)

Purpose: This activity has been designed to introduce the student to the Bill of Rights and the specific freedoms provided therein.

Procedure:

(1) Hand out copies of CR-13. Read over directions with students. Allow time for students to complete activity. (Note: this resource sheet is a list of parts of the bill of rights written in easier terms. Some have been omitted.)

(2) Debrief by allowing students to openly express their opinions and justify their positions. For those items that students disagree with, ask them to restate the item so it expresses their opinion.

(3) Inform students that all of these freedoms are provisions of the Bill of Rights of the Constitution of the U.S. (Be sure to tell students that some of the items on their ditto have been omitted.)

(4) Prepare a short lecture (10 to 15 minutes)to introduce the Bill of Rights. Teacher should decide what points need to be emphasized. Suggestions are given below.
   (a) Background.
   (b) Structure (i.e.: part of Constitution, first 10 amendments)
   (c) Subject to interpretation (i.e.: Supreme Court)
   (d) Application to modern society.
   (e) Specific application to students.

(5) Hand out copies of the Bill of Rights. This may be found in Practical Politics and Government in the United States, pp. 560-561. You may wish to inform students that the 14th. amendment sometimes considered a part of the Bill of Rights. This can be found on p. 562.

(6) Ask students to read the Bill of Rights and complete CR-14. You may wish to divide students into groups for this activity. You may also wish to give each group only a certain number of amendments. (ex: Group 1, amendments 1 - 3) to expediate the process.

(7) Debrief by allowing students to state their responses in class. Teacher should list freedoms on board.

(8) Give each group one of the specific freedoms they have listed on board. Have them construct a skit which will illustrate that freedom. Allow students to perform skits before the class. (Note: Teacher should not at this point comment on the legality of their illustration. Interpretation and limitations will be covered later.)

Variations:

(1) Low Ability: Show the video-tape (MV: Newslab 29) What is Freedom? After viewing, ask student to

write a paragraph telling what freedom means to them. Ask volunteers to read aloud to class. Tie in their answers with the Bill of Rights.

(2) High Ability: Ask students to construct a "Universal" Bill of Rights (i.e.: The freedoms they feel all of mankind should have.) Compare their documents with the U.S. Bill of Rights. Analyze and evaluate the two documents. Supplementary Reading: Courts and the Law: pp. 20 - 25.

(3) All Abilities:

As a summary activity show: F - 349C: Bill of Rights in Action: The Privilege Against and/or F-383C: Bill of Rights in Action: The 14th. Amendment.

(4) All Abilities:

Supplementary Reading: Foundation of Government: pp. 130 - 147.

7. Are Constitutional Rights Limited:

a. Limitations on Constitutional Provisions. (Objective 6).

Purpose: This lesson has been designed to help the student realize that Constitutional Rights, as all rights we have discussed, are not total or absolute. Emphasis should be placed on the idea that there is no such thing as unlimited rights or freedoms.

Procedure:

(1) Make a transparency of CR-15. Present to class.
(2) Pose question: Which of the three definitions best describes what you feel is meant by the 1st. amendment provision of freedom of speech?
(3) Pick volunteers to state their choice. Ask them to explain why they feel this way. (Ideally students should pick definition 3. If not, teacher should direct and focus attention on this area).
(4) Pose question: What does definition 3 tell you about our interpretation of the first amendment provision of freedom of speech? (Ideal response: Constitutional rights are not total or absolute; they are limited).
(5 Lead discussion based on the following:
(a) Why would it be impossible to follow definition 1? 2?

(b) Does the idea of limitations apply to all the freedoms guaranteed in the Bill of Rights? Why or Why not?
(c) What would happen to a society based on "unlimited" freedoms? Why?

(6) Summarize the discussion by informing students that they are going to look at case studies which deal with limitations on Constitutional freedoms.

(7) Introduce The Supreme Court. (This videotape deals with specific freedoms and their limitations as they relate to search and seizure, freedom of assembly and freedom of religion. The videotape is designed in such a manner that the teacher may stop the tape after each example for discussion. In addition to limitations, the videotape also shows examples of violations of given Constitutional feeedoms.

(8) Show videotape and stop after each case study to provide time for discussion.

(9) Debrief activity by showing and discussing the transparency made from CR-16.

Variations:

(1) High Ability: Adapt CR-8 to the Bill of Rights
Proceed in manner given.

(2) Average to High Ability:
Show the videotape Free Speech
Use the videotape to stimulate a discussion on the limitations on the Bill of Rights.

(3) All Abilities:
All of the following may be adapted as a motivational procedure to lead into a discussion of the limitations on the Bill of Rights:

T-326: Freedom and Government
T-318: The Freedom Circle
T-315: Freedom of Religion
T-317: Freedom of Speech
K-150: Freedom of the Press

Materials:

(1) CR-15
(2) MV Newslab: 27, The Supreme Court (available at County Resource Center)

(3) CR-16
(4) CR-8
(5) MV Newslab: 28, Free Speech. (available at County Resource Center)
(6) T-326: Freedom and Government.
(7) T-318: The Freedom Circle
(8) T-315: Freedom of Religion
(9) T-317: Freedom of Speech
(10) T-150: Freedom of the Press

8. Who Interprets the Bill of Rights?

a. Introduction to the Supreme Court and its function. (Objective 7)

Purpose: It should be noted that this lesson is not meant to be a long, involved analysis of the Supreme Court. This will be done in the government unit. However, before the student can participate in the case analysis which is to follow, he/she must be aware of the Supreme Court as an institution which interprets the Constitution. This lesson has been designed to meet this task. It will also mention the concept of "due process" as an introduction to the case of Goss vs. Lopez.

Procedure:

(1) A brief, general introduction to the Supreme Court should be given here. The teacher may prepare an oral presentation. However any of the following readings will give an adequate overview:
   (a) The Presidency, Congress, and the Supreme Court, pp. 173 - 179.
   (b) Practical Politics and Government, pp. 478-479.
   (c) Great Cases of the Supreme Court, pp. 6 - 9.
   (d) (Xerox) The Supreme Court, pp. 4 - 9.
(2) The main point of the oral presentation and/or reading is to help students recognize the importance of Supreme Court rulings on Constitutionality. Teachers should debrief by leading a discussion to achieve this objective. A final summation can be given by using CR-17.
(3) Inform students that they are going to see a filmstrip which will illustrate several of the Supreme Court's interpretations of the Bill of Rights and show how these interpretations apply specifically to students. Students will need some prior information on certain vocabulary terms which are listed on CR-18. Teachers should discuss these before showing the filmstrip. Emphasis should be placed on due process of the law.

(4) Hand out CR-18 and allow volunteers to offer definitions. Teacher should be prepared to offer explanations and examples for those terms with which the students have difficulty.
(5) Show filmstrip: Youth and the Constitution : Part II: "Student Rights and Responsibilities" (14 minutes.)
(6) Debrief by using the discussion questions at the bottom of CR-18.
(7) Homework and/or supplementary classroom activities can be found on pp. 27-32 of the teacher's guide to this kit.

Variations:

All Abilities:

Show part 3 of the same filmstrip series: "Student Rights and Individuality." It covers basically the same concepts with the exception that emphasis is placed on individuality rather than collective student rights. Learning activities are on pp. 41-47 of the teacher's guide.

Materials:

(1) The Presidency, Congress, and the Supreme Court.
(2) Practical Politics and Government.
(3) Great Cases of the Supreme Court.
(4) The Supreme Court
(5) CR-17
(6) CR-18
(7) K-643: At Issue: Youth and the Constitution.
Part 2: "Student Rights and Responsibilities"
Part 3: "Student Rights and Individuality"
(Available at County Resource Center)

9. How should a case be analyzed?

a. Skill development in case analysis. (Objective 5)

Purpose: This lesson is geared strictly to skills development. A format for case analysis will be given which may be used for various purposes throughout the year. Since the unit on discussion skills has been shortened, this lesson will help overcome the time element, by covering skills such as fact vs. opinion, major issues and opposing points of view at this time.

Procedure:

(1) Inform students that they are going to begin analyzing a series of cases which deal with student rights. There is a specific format which will be followed and that format will be

the topic of today's lesson.

(2) CR-19 through CR-25 are transparency masters which may be used to illustrate a number of concepts necessary in case analysis. They include both a definition, a given term, and an example to illustrate that term. Each teacher should decide how best to implement the transparencies. A number of methods are possible.

(3) After showing and explaining the transparencies, show CR-26 (which is also a transparency master). This will give students a uniform format to use in case analysis.

(4) Before going into actual analysis of court cases, it is suggested that the teacher give students a simple example just to be sure students understand the concepts. This may be done by using CR-27.

(6) Hand out copies of CR-27 and go over directions with students. Allow time for students to complete activity.

(7) Debrief by allowing students to state their answers. If students seem confused on any of the concepts, go back to the transparaencies and review using examples from the story.

Variations:

All Abilities:

Rather than using transparencies, the teacher may use readings to illustrate the concepts. The Elusive Truth is a good source for this.

High Ability:

Ask students how they think a case should be analyzed and allow them to develop their own structure. Teacher should alter where necessary. Use this structure to analyze CR-27. Then apply to all cases. CR-28 may be used as a supplementary homework activity for the of the above activities.

Materials:

(1) CR-19 - CR-25 (transparency masters)
(2) CR-26
(3) CR-27
(4) CR-28

10. How do Supreme Court decisions involving the Bill of Rights apply to me as a student?

a. Constitutional law and student rights and responsibilities. (Objective 7).

Purpose: This lesson has been designed to inform the student of his Constitutional rights as they apply to him/her as a student. Through an analysis of actual Supreme Court cases, the student will be encouraged to state an opinion and support it using the facts. He/she will then be given the opportunity to compare his opinion with the actual court decision. Emphasis will be placed on interpretation and supporting evidence.

Procedure:

(1) Inform students that they are going to analyze actual Supreme Court cases involving student rights. It should be emphasized that these decisions are now Constitutional law* and apply to all students on a nation-wide level. Guidelines for the case study approach may be found on CR-29. These are for teacher reference only, and the teacher should adapt the format to his/her own personal wants and needs. A list of cases is given below. Each is proceded by a question which, ideally, the case will resolve. The teacher may choose to use as many or as few of the cases as necessary.

A. Personal Appearance: To What Extent Can Dress Codes Be Enforced? (Not a Supreme Court Case; 1st. Circuit Court of Appeals; 1970).

(1) Hand out copies of the case: "Richards v. Thurston (CR-30). Since this is the first in a series of case studies, perhaps it would be best if the teacher proceeds through the lesson as a directed reading activity. Help the students complete the outline at the bottom of the page, but do not complete item 5 at this time.

(2) After completing CR-30, allow students to express their answers verbally in class. Attempt to stimulate a debate concerning item 4.

(3) Hand out copies of CR-31: The Decision. Since the vocabulary is very difficult, the sentences concerning the action taken and the reasons why have been underlined. Read decision aloud, emphasizing the underlined points. (Not recommended for low ability students.)

(4) Ask students to fill-in item 5 in their own words (CR 30). Allow some students to read answers aloud.

(5) Students should, at this point, be familiar enough with the case study approach to proceed on their own. A list of cases is given below.

Divide students into groups, assigning a given case to each group. All the cases need not be used. CR-32 is a standard answer sheet for all the cases. Inform students that they should

* not all cases are Supreme Court Cases, but they have set a precedent.

leave item 5 unanswered until the case has been discussed.

Case 1: Suspension and School Discipline: Does the right to due process end in school?

(1) Hand out copies of CR-32, CR-33 and CR-34. These contain all the information needed to analyze the case, Goss vs.Lopez . Encourage students to discuss the case in their group and share ideas. Be sure to inform them to leave item 5 on CR-32 blank until told to fill it in.
(2) Allow time fo fill in CR-32 using the available materials. Present information to class.
(3) Hand out copies of CR-35. Ask students to read the article and then fill in 5. Present actual decision to class.

Case 2: Wood vs. Strickland. (Supreme Court; 1975)

The group working on this case should:
(1) Fill in CR-32 by using the information on CR-36.
(2) Allow time to complete CR-32.(leaving 5 blank).
(3) Present information to class and discuss.
(4) Hand out CR-37. After reading, ask students to complete 5.
(5) Present decision to class.

Case 3: The Nitzberg Case. Freedom of the press; Does it end in school?

Students working on this case should:
(1) Complete CR-32 after reading CR-38.
(2) Leave 5 blank.
(3) Present information to class.
(4) Complete item 5 after reading CR-39.
(5) Present decision to class.

Case 4: Freedom of Religion: Does it end in the classroom?

West Virginia State Board vs. Barnette (1943)
Students working on this case should:
(1) Complete CR-32 by readnng p. 15 in Liberty Under Law. Leave item 5 blank.
(2) Present information to class.
(3) Read pp. 16-18 in Liberty Under Law.
(4) Complete item 5 after reading.
(5) Present decision to class.

Case 5: Abington vs. Schempp (1963).

(1) Complete CR-32 by reading p. 17 in Great Cases of the Supreme Court. Leave item 5 blank.
(2) Present information to class.
(3) Read p. A-1 in teacher's guide.
(4) Complete item 5 after reading.
(5) Present decision to class.

Variations to the Case Study Approach:

Average and Low Abilities:
Have students read CR- 40 Answer questions on CR-41. (Locker Search and Seizure).

Lower Ability:
Any of the following from Youth and the Law may be used:
A. Do you have to pledge the flag? - - pp. 7-11
B. Search and Seizure: Open that Locker- pp. 12-15
C. Kicked out of School: What Are A Student's Rights? - - pp. 16-20
D. Girls in School Sports: Can They Get Full Equality? - - pp. 21- 24.

Selected readings from: Student Rights: Issues in Constitutional Freedom.

Materials:

(1) CR-29: Teacher Resource/Case-Study.
(2) CR-30: Richards vs. Thurston.
(3) CR-31: The Decision/Selected Excerpts
(4) CR-32: Case Analysis
(4) CR-33: Goss vs. Lopez.
(6) CR-34: The Arguments.
(7) CR-37a-37g: Are Students "Persons" Under the Constitution? Goss vs. Lopez Implies as Much.
(8) GR-36: Wood vs. Strickland.
(9) CR-37: Court Decision: Wood vs. Strickland.
(10) CR-38: The Nitzberg Case I.
(11) CR-39: The Decision.
(12) Liberty Under Law; pp. 15-18
(13) Great Cases of the Supreme Court p. 17, Teachers Guide; p. A-1.
(14) CR-40: Search and Seizure.
(15) CR-41: The Decision.

E. Evaluation:

1. The overall content of Experience I: Student Rights and Responsibilities may be evaluated by administering the Post-Test. (CR-42)

An answer sheet for the student (CR-43) is included. The answer key is on the following page.

2. To evaluate the attainment of the major skills of this experience administer the quiz designed to evaluate the concepts necessary to analyze a case (CR-44).

3. To measure pupils' understanding of Constitutional Law, administer any or all of the Hypothetical cases (CR-45-CR-48). Have students answer questions at the end, emphasizing the use of the Bill of Rights and Constitutional Law to back up their answers.

   Variation 1:
   Omit questions and have students analyze case through case study format (CR-32). Omit item 5 on CR-32 for this activity.

   Variation 2:
   Role play the activities.

4. To measure the students' ability to analyze legal cases, administer either of the case study quizes. (CR-49 or CR-50). An answer sheet (CR-51) has been included. Decide before administering whether <u>skills</u> or <u>content</u> should be emphasized.

5. To evaluate the pupils' knowledge of due process, administer the quiz: CR-52; "Whatever happened to due process?" Follow the directions given. Possible student responses are listed below.

   Answers to "Whatever Happened to Due Process?"

   a. Was not informed of the crime he committed.
   b. Not allowed to hear witness(es) against him.
   c. Not allowed to consult his personal record.
   d. Not allowed to speak in his own defense.
   e. Not allowed to present witnesses in his defense.

F. Resources

I. <u>Teacher Resources</u>

1. Cuban, Larry (ed). <u>Youth as a Minority: An Anatomy of Student Rights</u>. National Coucil for the Social Studies, 1972.

2. Ladd, Edward T. <u>Student Rights and Discipline</u>. National Association of Elementary School Principals, 1975.

II. <u>Student Resources</u>

1. Jantzen Steven. <u>The Presidency, Congress, and the Supreme Court</u>. New York: Scholastic Magazines, Inc., 1977.

2. Jantzen Steven and Carolyn Jackson. Foundations of Our Government. New York: Scholastic Magazines, Inc., 1977.

3. Kelman, Maurice. The Supreme Court. Xerox Education Publications, 1973.

4. Madden, John R. Practical Politics and Government in the United States. New York: Macmillan Publishing Co., 1976.

5. Miller, Richard S. Courts and the Law: An Introduction to Our Legal System. Xerox Education Publications, 1971.

6. Pearson, Craig (ed). Liberty Under Law. American Education Publications, 1963.

7. Ratcliffe,Robert H. (ed). Great Cases of the Supreme Court. Boston: Houghton Mifflin Co., 1975.

8. Student Handbook (available at each individual high school)

9. 1975 Student Code.

III. A.V. Materials: all available at County Resource Center.

1. Videotapes
   a. MV-Newslab, 27: The Supreme Court
   b. MV-Newslab, 28: Free Speech
   c. MV-Newslab, 29: What is Freedom?

2. Motion Pictures
   a. F-349C: Bill of Rights in Action: The Priviledge Against
   b. F-383C: The Bill of Rights in Action: The 14th Amendment

3. Filmstrip kits
   a. K-643: At Issue: Youth and the Constitution
   b. K-150: Freedom of the Press

4. Tapes
   a. T-315: Freedom of Religion
   b. T-317: Freedom of Speech
   c. T-318: The Freedom Circle
   d. T-326: Freedom and Government

Vandalism: The Price is High

a. What is the cause of vandalism, and how can individuals help to alleviate it?

Purpose: This unit has been designed to help the student become more aware of both the high cost of vandalism and the repairs and replacement. Emphasis will also be placed on the dangers of engaging in destructive behavior and action that should be taken to curb the problem.

Objectives:

The student will identify causes of vandalism and state ways to alleviate the problem.

1. Through data analysis, the student will become aware of the growing problem of senseless destruction and the high cost of repair and replacement.

2. Through investigation and cause/effect analysis, the student will realize the danger of engaging in destructive behavior.

3. Through research and analysis, the student will list possible courses of action which will help alleviate the vandalism problem.

4. Given a series of facts, the student will develop a constructive attitude toward the vandalism problem.

Suggested Activities

1. The activities for this two to three week experience are included in the curriculum package entitled Vandalism: The Price is High. Contained within this package are the following materials:

   a. Teacher's Guide
   b. Student Workbook
   c. Transparency Masters
   d. Slide/Tape Presentation: "The Price is High."

   If copies of these materials are not available in your school, please call Don Vetter at 848-8280 and he will obtain them for you.

2. Lesson Three on this package is built around the Walt Disney film, Vandals (F 496C). This film was purchased for this program by the Carroll County Bar Association. Please acknowledge their donation when you are showing the film.

3. A good activity to supplement Lesson One or to serve as a culminating project for one or two students is located on pages 16-17 of Graphs: How to Prepare and Interpret Them, Xerox Publications Unit Book, 1973. Entitled "Student Surveys," it includes a brief survey format on vandalism and directions for plotting the survey results on bar and pie graphs. This worthwhile skill-based activity should provide data to present to the entire class as an oral report.

DECISION-MAKING IN

CONTEMPORARY AMERICA

RESOURCE SHEETS

CARROLL COUNTY BOARD OF EDUCATION

Westminster, Maryland

Fall, 1977

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TABLE OF CONTENTS

Unit: Citizenship ---------- CR-1

Unit II: Personal Decision-Making and Discussion Skills -------- DR-1

Unit: Economic Decision-Making ---------- ER-1

Unit: Government: Political Decision-Making ---------- GR-1

Unit: Juvenile Justice System ---------- JR-1

PRE-TEST: "WHAT DO YOU THINK?"

The following statements are designed to stimulate your thinking on many issues related to students' rights and responsibilities. Answer the following in this manner:
SA -Strongly Agree, A - Agree, U - Uncertain, D - Disagree,
SD -Strongly Disagree.

____1. High school students should be permitted to dress in any manner they please as long as standards of health and safety are maintained.

____2. A student should be able to publish articles in school newspapers relating to the teaching qualities of teachers within their school environment as long as they aren't obscene or libelous.

____3. School authorities should be permitted to search students' lockers without notice in order to uncover evidence of drug traffic on school grounds.

____4. Wearing armbands with certain symbols attached, such as Klu Klux Klan, would be within the rights of the student in the school environment.

____5. A students' complete permanent record file should be open to his/her examination while in school.

____6. Since a school is a special case (legally speaking), normal rules of due process, such as a hearing and witnesses, are not necessary because a student can be suspended or expelled.

____7. The school administration should have the authority to make whatever rules it feels necessary to maintain the running of the school on a day-to-day basis.

____8. During the school day the teacher has the right to assume the role of the parent or guardian of the students in the class situation.

____9. Students have the same rights in the school environment as they have outside the school.

THE STUDENT HANDBOOK: HOW DO YOU SEE IT?

Directions:

When you read the student handbook, you may have thought that it was nothing but a bunch of rules and guidelines you had to follow. Certainly, this is true to an extent. However, the student handbook is really a document which specifically states the RIGHTS you have as a citizen of this school. When looking at it from this point of view, the handbook becomes a very important document. Can you find the rights that are stated in the handbook? Write them in the space below. An example has been given for you.

1. As a student of this school, I have the right to attend all school functions.

2.

3.

4.

5.

6.

STUDENT HANDBOOK: TAKE IT OR LEAVE IT!

Directions:

There are probably some rules in the handbook that you would very much like to change. It is easy to say, "I don't like this," or "I think this is stupid." It is much more difficult to suggest another way to do it. As a citizen of this school, you have the right to criticize the rules you don't like... but only if you take the responsibility to develop a better way to do it.

Go through the student handbook, and list the rules you do not like in the first column. In the second column, tell why you do not like the rule. Finally, in the third column, list a better way to do it!

Rules I do not like:	I do not like these rules because:	My alternatives are:

TEACHER RESOURCE

THE ERASER GAME

The following questions should be used to debrief the eraser game through a class discussion. Suggested answers that you may wish to emphasize have been given.

1. Why was it difficult to play the game in the beginning?
   Suggested response: Because there weren't enough rules.

2. Why was it difficult to play the game at the end?
   Suggested response: Because there were too many rules and it was impossible to follow all of them.

3. Which of the rules were good. How do you decide if a rule is good?
   (Use list on board and have students pick out the ones they think are good and tell why.)

4. Which of the rules were bad? How do you decide if a rule is bad?
   (Use list on board and have students pick out the ones they think are bad and tell why.)

5. What would happen if our school made rules in the same way we did in the game? What might happen if our government made rules in this manner?
   (Open for discussion.)

6. What would happen if our school didn't have enough rules? Our country?
   (Open for discussion.)

7. What would happen if our school had too many rules? Our country?
   (Open for discussion)

8. Why are rules important?
   Suggested response: Because they give us guidelines to follow in order to maintain an orderly school or society.

"THE FOUR STUDENT FREEDOMS"

Taken from: Cuban, Larry (Ed.): Youth as a Minority: An Anatomy of Student Rights.

TEACHER RESOURCE

THE FOUR STUDENT FREEDOMS

1. Does the word "freedoms" mean the same as rights?

2. What is the cartoon saying to you?

3. Do you agree with the message? Why or why not?

4. How would you change the four student freedoms to make them more realistic?

5. What do you think was the author's purpose in making this cartoon?

STUDENTS' RIGHTS

Right of access to an education

Rights to privacy and to be let alone

Right to equal treatment

Right to have injury done by past discrimination redressed

Right to freedom of religion

Rights to freedom of speech, freedom of expression of ideas, and freedom of the press

Right to substantive due process

Right to procedural due process

Right to be presumed innocent

Right to remain silent

Right to be secure from improper searches and seizures

Right not to be punished except as an outcome of a fair procedure

Right to freedom from racial, religious, and sex discrimination

Right not to be subjected to cruel and unusual punishment

Right to be protected against unfair, damaging entries in permanent records

Right to an academic transcript based on achievement.

Taken from: Ladd, Edward T.: Students' Rights and Discipline.

STUDENT RIGHTS, LIMITATIONS, AND RESPONSIBILITIES

Directions:

Read the list of student rights on CR-7. In the chart below, list the freedoms which are stated in the first column, the limitations on those freedoms in the second column, and the responsibility you must fulfill in the third column.

FREEDOM	LIMITATION	RESPONSIBILITY

"Whatever happened to freedom of speech?"

Taken from (in revised form): Cuban, Larry (Ed.): Youth as a Minority: An Anatomy of Student Rights.

Introduction

Although this document has been mandated by the Maryland State Department of Education, much of its contents will not be new to county students. Most of the areas of the document have been in effect in our county schools. This is an attempt to locate students' rights and responsibilities in one document, easily accessible to the student population. This document has been prepared in compliance with the Maryland State Department of Education Bylaw 732.1 and in adherence to the conviction of Carroll County Educators that better education can be obtained through a partnership arrangement with students and parents.

Resolution No. 1973-26
Bylaw 732 Students' Rights and Responsibilities
732.1 Students' Rights and Responsibilities

1. Each local Board of Education shall develop a document on Students' Responsibilities and Rights no later than January 1, 1975.
2. All such documents shall conform to guidelines established by the Maryland State Board of Education.
3. All such documents shall be disseminated to all members of the school community periodically including students, teachers, administrators and parents.
4. There shall be broad involvement of representatives of the school community in the development of such documents.

Caution should be taken in the application of these rights and responsibilities that they be used as guides to a more effective educational program, not mandates of behavior. Also one should keep in mind that although this document is to be used by all students, K-12, areas of it are not necessarily applicable to all levels. Age and maturity of students will be a factor in determining the use of this document.

In order to maintain a democratic form of government that holds as its basic premise that each individual member has certain rights which cannot be denied him by all members or by the society as a group, it has been found necessary for each member to assume certain responsibilities for his own actions. It is therefore our purpose here to present this document which outlines the areas of rights and their corresponding responsibilities necessary to an effective and productive educational program in Carroll County.

It is the committee's hope that, with this document as a guide, students, parents, teachers, and administrators may all be involved in the process of preparing young people for their future in a relaxed, cooperative atmosphere and thus receive great dividends for their efforts. It should be noted that the principal is charged with the overall responsibility of maintaining essential security, discipline, sound administration and effective instruction in each school.

The five major areas covered in this document are quite broad in scope. They include student and parent involvement in the areas of curriculum development, maintenance of discipline and grievance procedures, governance of student affairs, student's relationships and student's records. If thoughtfully applied, thise five areas should give each student a major share in the development of his educational program and aid him in making sound decisions thoughout his life in a democratic society.

Table of Contents

		Page
	INTRODUCTION	
I	CURRICULAR INVOLVEMENT	5
	a. Course Selection	
	b. Grading and Promotion	
	c. Course Appraisals	
	d. Home and Hospital Instruction	
	e. Release Time and Waiver Policy	
II	DISCIPLINE AND GRIEVANCE	5
	a. Legal	
	Attendance	
	Student Property	
	b. Rights of Others	
	c. Grievance – Due Process	
III	GOVERNANCE	6
	a. Assemblies, Choice and Planning	
	b. Dress and Grooming	
	c. Media Center, Use of	7
	d. Parking Commission	
	e. Police and Security	
	f. Search and Seizure	
	g. Publications or Posters	8
	h. School Facilities, Use of	
	i. Smoking	
	j. Student Funds	
	k. Student Governments	9
	l. Suspension and Expulsion	
IV	STUDENT RELATIONSHIPS	
	a. Advisors to Student Government	9
	b. Board of Education Representatives	
	c. Married Students	
	d. Menu Planning	
	e. Patriotic and Religious Activities	
	f. Visitor Policy	
	g. Extra Curricular Activities and Clubs	10
V	STUDENT RECORDS	11
	a. Confidential and Individual Records	
	b. Cumulative and Permanent Records	
	c. Release of Records	11
	INDEX	11

I Curricular Involvement

Rights	Responsibilities
A. COURSE SELECTION Students have the right to select any course offered in their school regardless of sex, grade level, or ability. Students may also fulfill prerequisites for some courses by passing a proficiency test or other requirements as indicated in the Course Description Handbook.*	Students have the responsibility to apply themselves to the best of their ability, and to complete the courses which they select. They should seek advice as to which courses best suit their needs and abilities.
B. GRADING AND PROMOTION Students have the right to have input into the grading and promotion policy in each school; to be informed of the grading procedures at the beginning of each course; and to be informed of the promotion policy via the student handbook.	It is the student's responsibility to accept the grading and promotion policy as established by each school.
C. COURSE APPRAISALS Students have the right to establish a mechanism to appraise courses in conjunction with the faculty via the guidelines set up by the curriculum committee of each school.	It is the responsibility of students to present an honest and objective appraisal and to provide suggestions for course improvement. This will not be used as a mechanism to evaluate teachers.
D. HOME AND HOSPITAL INSTRUCTION Students have the right to receive home or hospital instruction as outlined by the Pupil Services Handbook. This includes those students unable, due to a physical condition, including pregnancy, to attend school regularly. A certificate from the attending physician is required.	Students have the responsibility to inform the school of their need for home teaching. Students have the responsibility to make full use of the educational instruction given by the home teacher.
E. RELEASE TIME AND WAIVER POLICY Students have the right to be involved in establishing release time policy as each school sees fit. Students have the right to request waivers in accordance with Pupil Services Handbook.	Students on release time should maintain a satisfactory school standing toward meeting graduation requirements. They should use release time in productive endeavors.

*This section has direct implication for high school students.

II Discipline & Grievance

A. LEGAL **ATTENDANCE** Every child between ages five and twenty-one years residing in the state has the right to attend some public school in accordance with the State Annotated Code.	It is the responsibility of each student to take full advantage of this educational opportunity and make every effort to attend regularly and complete minimum requirements.
STUDENT PROPERTY Students have the right to expect that a lock and locker will be made available for their use unless physical facilities are not available.	All students are responsible for their own property and should refrain from the unauthorized use of the property of others. It is the responsibility of students to return their lock at the end of the year – if missing the lock must be paid for by the student.

B. RIGHTS OF OTHERS

All students have the right to attend school without fear of physical abuse, verbal abuse, hazing or ridicule.

C. GRIEVANCE – DUE PROCESS

By definition a grievance is a complaint whereby a student alleges a violation, misinterpretation or inequitable application of an established policy governing students individually or collectively; or a violation of the document on Student Involvement Rights and Responsibilities.

The student is encouraged to discuss his Grievance with the professional person (teacher, administrator, etc.) involved in order that this grievance may be resolved at this first or lowest level. The rules of "Fair Play" indicate that the student should give the person involved a chance to understand the nature of the complaint in order that he have first chance to assist in resolving the problem. Where the problem has not been resolved to the student's satisfaction at the first level, the student has the right to appeal to the next higher authority.

The appeal would follow the normal progression which includes the teacher, counselor and vice-principal. If the grievance has not been resolved at this level, it may then be appealed in writing to the principal within three (3) school days. The principal shall render a decision in writing to all parties involved within five (5) school days of such an appeal. If the student is not satisfied by the principal's decision, he may then appeal to the Superintendent of Schools or his designee in writing within five (5) school days of the principal's decision. A decision shall be rendered by the superintendent within ten (10) school days of such an appeal. The decision of the superintendent shall be final and binding upon all parties subject only to judicial review.

At any level of the grievance procedure the student has the right to involve a representative (parent, guardian, etc.) on his behalf.

The students have the right to discuss frankly their problems and concerns, without fear of retribution, with the administration and counselors.

III GOVERNANCE

A. ASSEMBLIES, CHOICE AND PLANNING

Students have the right to participate with the staff and administration in planning assemblies. An Assembly Board consisting of 50% students, 50% faculty members, and one administrator, chosen by their respective peers, shall be established for planning purposes. Attendance at any assembly is not compulsory with the exception of an assembly called by the school board or the administration.*

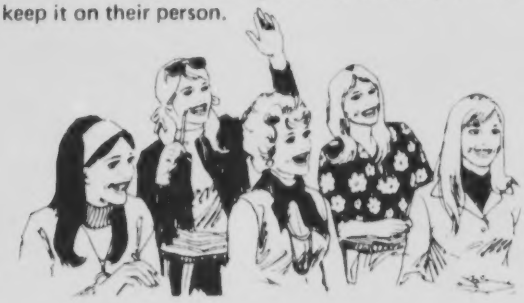
*This section has direct implication for high school students.

Students have the responsibility to abide by the code of conduct established by the Board of Education as stated in the Annotated Code of Maryland.

Students have the responsibility to attempt resolution of their grievance at the lowest possible level. Problems of student relationships, class or club groups, and general discipline can best be resolved if communications to clarify the issue are started quickly. In addition, the responsibility to express their grievance in socially acceptable ways at all levels is expected.

Students have the responsibility to show respect to others while attending an assembly, and to discourage their peers from misconduct. If students choose not to attend the assembly they must accept the responsibility of being in the proper place designated by the administration during the time of the assembly.

Rights	Responsibilities
B. DRESS AND GROOMING Students have the right to dress and groom themselves in a manner that they wish in so far as their personal appearance is modest, clean, appropriate, decent and not disruptive to the educational process. Dress and hair (including facial hair) shall not create a safety hazard. Students have the right to protective clothing and eye devices for health and safety. (Public School Law of Maryland)	Students have the responsibility to care for their personal appearance in such a manner that it will not violate the rights of others.
C. MEDIA CENTER Students have the right to expect that time would be available for their use of resource facilities. Students have the right to ask and receive help from the media specialist in finding necessary materials. Students have the right to expect a quiet atmosphere, conducive to research and study.	Students have the responsibility to treat these materials in a manner so that they can be used by all and accept financial responsibility for any lost or damaged materials. Students have the responsibility to be courteous to those people who are attempting to aid students. Students have the responsibility to be respectful to others' desire for quiet study.
D. PARKING COMMISSION Depending upon the availability of parking space, parent permission, emergencies and other crises, any licensed student driver shall have the right to park on school property. A Parking Commission shall be established to determine the guidelines for students parking.	Students shall register their vehicle. All students must adhere to the standards set by the Maryland Code of Motor Vehicles and driving regulations as established by the Parking Commission. Any violation of the above is reason to have driving privileges revoked. The Parking Commission shall have the right to revoke student parking permits. Students have the responsibility to limit driving during periods of inclement weather, emergencies, or other crises.
E. POLICE AND SECURITY Each student shall have access to State Laws and school policies regarding security matters and incidents requiring police involvement. Students have the right to the presence of their parents, guardian or attorney before investigative questioning by outside sources.	Each student has the responsibility to help maintain an environment conducive to the normal functions of a public school. Students have the responsibility to report any disturbances to the normal operation of the school, to the appropriate school authorities so that an investigation may be conducted.
F. SEARCH AND SEIZURE Students have the right to keep personal and school property in their school locker. Students have the right to bring personal property to school and keep it on their person.	Students are responsible for seeing that items in their school locker do not violate the state criminal code or disrupt the normal school procedures. By state law, lockers may be searched by school officials. Students have the responsibility for seeing that items on their person do not violate the state criminal code or disrupt the normal school procedure. By state law a student may be searched by school officials if there is probable cause to believe that unlawful items may be found on that person.



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III GOVERNANCE

Rights

G. PUBLICATION OR POSTERS

Students have the right to a school sponsored written publication in which to voice their opinions and suggestions on topics of interest. These publications should have the full protection offered to them by the Bill of Rights.
Non-school materials may be distributed in accordance with the procedure outlined in the Pupil Services Handbook.

H. SCHOOL FACILITIES, USE OF

Students have the right to equitable use of facilities as outlined by the Board of Education in the Pupil Services Handbook. Final authority for establishing priority of usage shall rest with the administration of each school.

I. SMOKING

Smoking in schools is permitted only under the guidelines set by the County Board of Education.

J. STUDENT FUNDS

Students may collect funds in any of the approved ways as stated in the Pupil Services Handbook.
Student organizations have the right to use their funds as long as it is approved according to county policy.

K. STUDENT GOVERNMENTS

All students in any school in Carroll County have the right to the formation of a student government. Individual schools should have the right to join together in a County Government. Classes in said schools have the right to organize a government for their own level. These Governments have the right to give input concerning school policy. Their actions should reflect the attitude of the student body as a whole.

L. SUSPENSION AND EXPULSION–
HEARING PROCEDURE

(a) All students to be suspended are entitled to an immediate hearing before the administration which shall include a complete explanation of the reasons for the suspension by the administration, as well as an opportunity for the student to state his version of the incident. In addition, a letter must be mailed to the parents or guardians, explaining the suspension and reason for it. (See Section (c) below)

Responsibilities

Students should exercise good journalistic practices in the selection and writing of materials.
Students have the responsibility to abide by regulations governing publications that may be established in each school. Special attention must be directed toward compliance with regulations concerning distribution, time and place of publication.

Students are held responsible for facilities they damage. Individual students and their organizations shall protect, maintain and assume responsibility for those facilities and resources they use.
It is the responsibility of students to treat school property as if it were their own and in turn avoid misuse of the personal belongings of others.

Students are responsible for adhering to whatever rules concerning smoking that the Board of Education adopts.

Students should fully investigate any activity where the spending or use of their funds is involved.
Students designated as treasurer and the sponsor of the activity shall be accountable for all funds collected and spent.

Student governments have the responsibility to act in the student body's best interest. They should keep informed and involved with the students, faculty and administration. It is the responsibility of the Student Government Association to establish with the administration an effective mechanism for dispensing information.

(b) A statement of the suspension procedures and the rights of the suspended child must be made available to the parent or guardian by means of a brochure to be distributed early in the school year.

(c) Appeal Procedure – Pupils or their parents or guardian have the right to appeal a suspension or an expulsion. The appeal must be made to the County Board of Education within ten days of the suspension or expulsion. The pupils or their parents or guardian have the right to bring counsel and witnesses, if they so desire. (Article 77, Section 95, Maryland Public School Law, and Pupil Services Handbook on Suspension and Expulsion).

Students and parents have the responsibility to request an appeal if such is desired.

IV Student Relationships

A. ADVISORS TO STUDENT GOVERNMENT

Each respective school or County Student Government shall reserve the right to select their faculty advisor with the advisor's consent. The advisor shall be an active member of the school faculty for the respective school or a county faculty for the CCSGA.

Students have the right to develop the procedure to select the advisor in conjunction with the principal.

Students have the responsibility to notify the advisor of all meetings and to use good judgement in the selection of the advisor.

B. BOARD OF EDUCATION REPRESENTATIVE

The Carroll County Board of Education minutes of October 10, 1973, state that there shall be one student selected from the entire county school body to sit in on the Board of Education meetings. The representative will be given an unofficial vote to indicate the position of the students. This vote shall not, however, be included in the final count of votes for Board action, but will be recorded in the Board minutes. The representative shall receive regular notification of all meetings and shall be provided with the minutes and all materials except those of a confidential nature, and those containing items referring to personnel. Procedures for selection of the representative should be established by Carroll County Student Government Association.

This student has the responsibility for appropriate conduct during the meeting. It is the responsibility of this student to report to the CCSGA on Board action. This member shall be representative of all schools instead of a particular school for this responsibility.

C. MARRIED STUDENTS

Married students have the right to attend school and receive an education.

Married students have the responsibility to abide by all school regulations and attendance laws.

D. MENU PLANNING

Students have the right to give input into the menu preparation by meeting with county supervisor of food services.

It is the responsibility of students to express their concerns over menu planning to the county supervisor of food services.

E. PATRIOTIC AND RELIGIOUS ACTIVITIES

Students have the right to participate or refrain from participation in patriotic and religious activities.

Individuals who do not participate have the responsibility to respect the rights of those participating.

F. VISITOR'S POLICY

Students shall have the opportunity of escorting visitors to any school function designated as public in nature. Students shall be involved in the formulation and designation of public activities and related guidelines.*

Students have the right to bring guests to a non-public activity in accordance with individual school policy.

Students shall be responsible for the conduct and behavior of those persons under their escort.

Students have the responsibility to comply with the school policy regarding guests to non-public activities.

Visitors during the school day must report to the administration for prior approval.

G. EXTRA CURRICULAR ACTIVITIES AND CLUBS

All students will have the opportunity to participate in extra curricular activities and clubs except where specific predetermined competencies are required.

Membership must be open to all students where purpose of activity is dependent upon qualification such as drama club, science club, etc.

Individuals shall have the choice of participation or non-participation in partisan political activities.

Procedures for due process shall be provided in such cases where students are to be excluded from participation by school authorities. (See Due Process IIC)

School systems shall insure that all students be allowed to engage in the educational process without discrimination with regard to sex, race, creed, or national origin.

It is the responsibility of students to support, abide by and uphold the guidelines of the extra curricular activity with which they are involved.

Student organizations requesting facilities must provide written clarification of their organizational structure and identification of at least one representative to the principal upon request.

*This section has direct implication for high school students.

V Student Records

A. CONFIDENTIAL AND INDIVIDUAL RECORDS

Each student has the right to have records maintained by educators as indicated in the Pupil Personnel Handbook guidelines and for these records to be kept confidential.

Students have the right to see their confidential and individual records and to have them interpreted by their counselor.

Students should establish patterns of good attendance and achievement in order that their official school records will reflect a successful school experience.

B. CUMULATIVE AND PERMANENT RECORDS

Students have the right to see their cumulative and permanent record cards, and to have them interpreted by a counselor.

C. RELEASE OF RECORDS

Students have the right to state to which non-school organizations or individuals they wish their records released.

Students have the responsibility to sign a statement indicating to whom they wish their records released.

TEACHER RESOURCE

THE 1975 STUDENT CODE

1. What conclusion would you make if you found a lot of discrepencies between the 1975 Code and your handoook?

2. What conclusion would you make if you found few discrepencies?

3. What conflicting situations did you find between the two documents? (Teacher should list on the board and discuss with class, getting as many opinions as possible. Emphasis should be placed on interpretation of rights/rules and whether or not the examples given are truly violations.)

4. What should we do about the discrepencies which we cannot justify? (Teacher should list responses on board. Depending upon the practicality of the response, the teacher may wish to assist the student in following that course of action. This might include: a) contacting a vice-principal and asking him/her to justify the handbook's point-of-view, or b) contacting one or more of the authors of the 1975 document and inviting them to explain their interpretation of the item in question, to the class, c) write a letter to the Carroll County Board of Education and ask how they would resolve the conflict.)

*Note to the Teacher:

It is advised that the teacher should clear any action taken with the administration before proceeding!!

WHAT WOULD YOU DO?

Directions:

Whenever a person is confronted with what he considers to be a violation of his rights, he has a choice concerning what course of action he should take to correct the problem. Read the statement below. Circle the response which best expresses your personal feelings. Then, in the space below, write a short paragraph which will justify your position.

When a good citizen* is confronted with a violation of his rights he should:

A. Forget about it ... there's nothing he can do.

B. Contact someone in a position of authority and let them handle it.

C. Move to another country.

D. Actively participate in resolving the problem. (writing letters to proper authorities, starting a petition, etc.)

*In this case we are referring to citizenship within our school, but it could apply to U.S. citizenship as well.

THIS IS FREEDOM?

Directions:

Below you will find a list of generalizations concerning a number of rights or freedoms. Place an A in the front of the statement if you agree with it and a D in front of the statement if you disagree with it. Be sure you can justify your position.

1.___Picketing in front of a factory or corporation by it's workers should be out-lawed.

2.___Anyone who is not Christian should be forced to leave this country.

3.___Newspapers should be allowed to print anything they wish.

4.___No one should be allowed to openly criticize the government.

5.___If the police believe you are guilty of a crime, they should be allowed to search you and/or your home and belongings.

6.___If you are arrested, you should be informed of the crime.

7.___Everyone is entitled to a fair and speedy trial.

8.___When on trial, you should be able to hear the witnesses who testify against you.

THE BILL OF RIGHTS

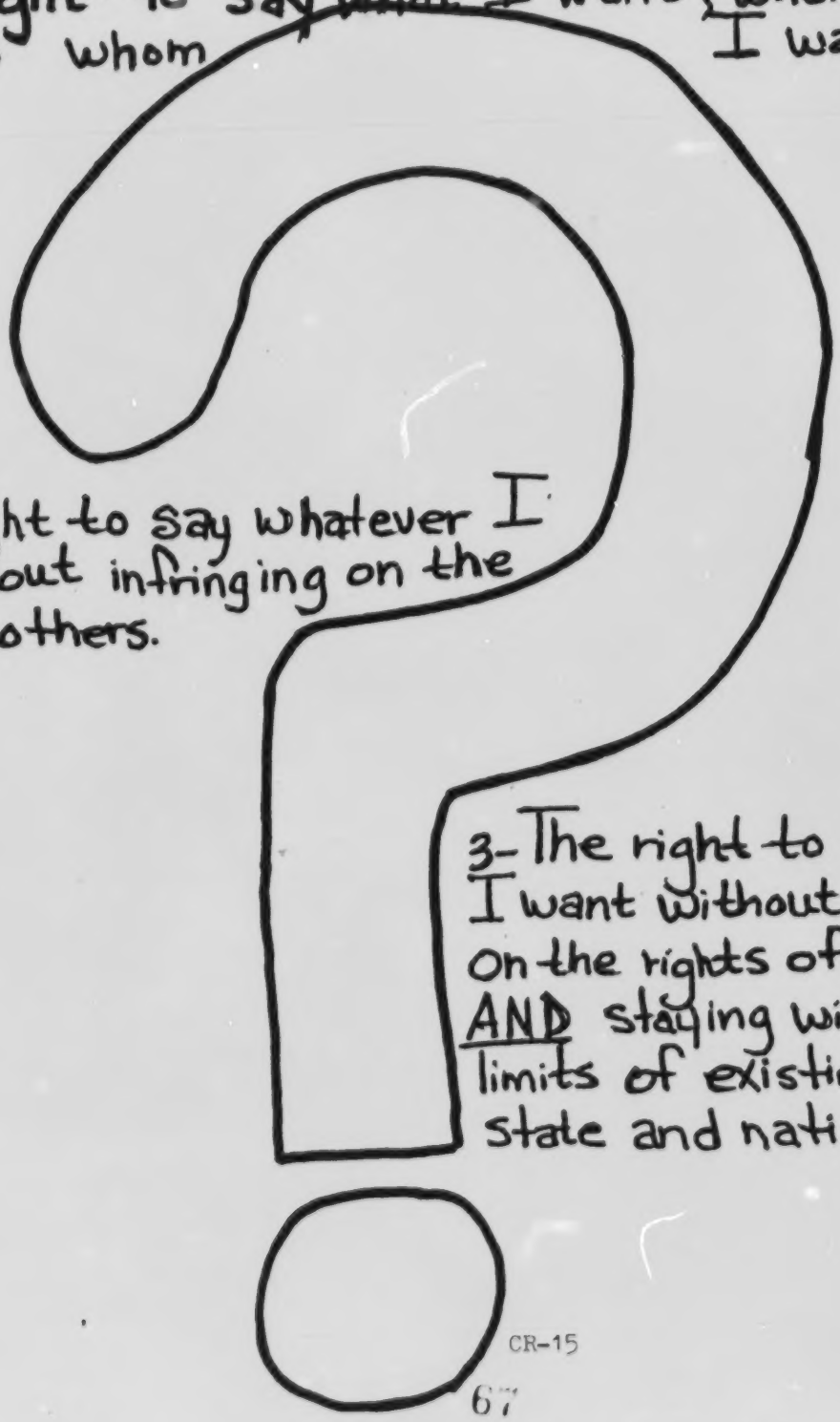
Directions:

Just as you discovered that your handbook guaranteed certain rights to you as a student, you will find that the Bill of Rights provides specific rights for you as a citizen. Using the guidelines below, list the specific freedoms which are given to you in the Bill of Rights. Since this document was written a long time ago, you may have difficulty understanding some of the amendments. If this happens, ask your teacher for help.

AMENDMENT	FREEDOMS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

FREEDOM OF SPEECH:

1- The right to say what I want, when I want, and to whom I want.



2- The right to say whatever I want without infringing on the rights of others.

3- The right to say what I want without infringing on the rights of others AND staying within the limits of existing local, state and national laws.

The Bill of Rights:

1- Guarantees each citizen certain freedoms.

2- Is enforced and protected by the U.S. government.

3- Does not guarantee total or absolute freedom.

4- Is limited and subject to interpretation by the Supreme Court.

CONSTITUTIONAL LAW

The Constitution of the United States is the source of many of the laws under which we live. When the Constitution states that "the right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or any state on account of age," that is a law, a Constitutional Law.

Many of the provisions of the Constitution (such as the Bill of Rights) need to be interpreted by the Supreme Court. The decisions of the Supreme Court also become laws and form a part of the body of constitutional law. Constitutional law takes precedence over all other laws. That is, if a law passed by Congress or a state legislature conflicts with the federal Constitution, that law cannot stand.

Taken from: Practical Politics and Government: p. 464.

YOUTH AND THE CONSTITUTION

VOCABULARY

1. Traditional:
2. Disruptive:
3. Censorship:
4. Verdict:
5. Controversial:
6. Libelous:
7. "Prior Restraint":
8. Substantial Evidence:
9. Due Process of the Law:

Questions for Discussion:

1. Are there differences between teenagers and adults in regard to maturity of judgment and sense of responsibility?

2. Granting that students have rights, should these rights be more limited than those of adults?

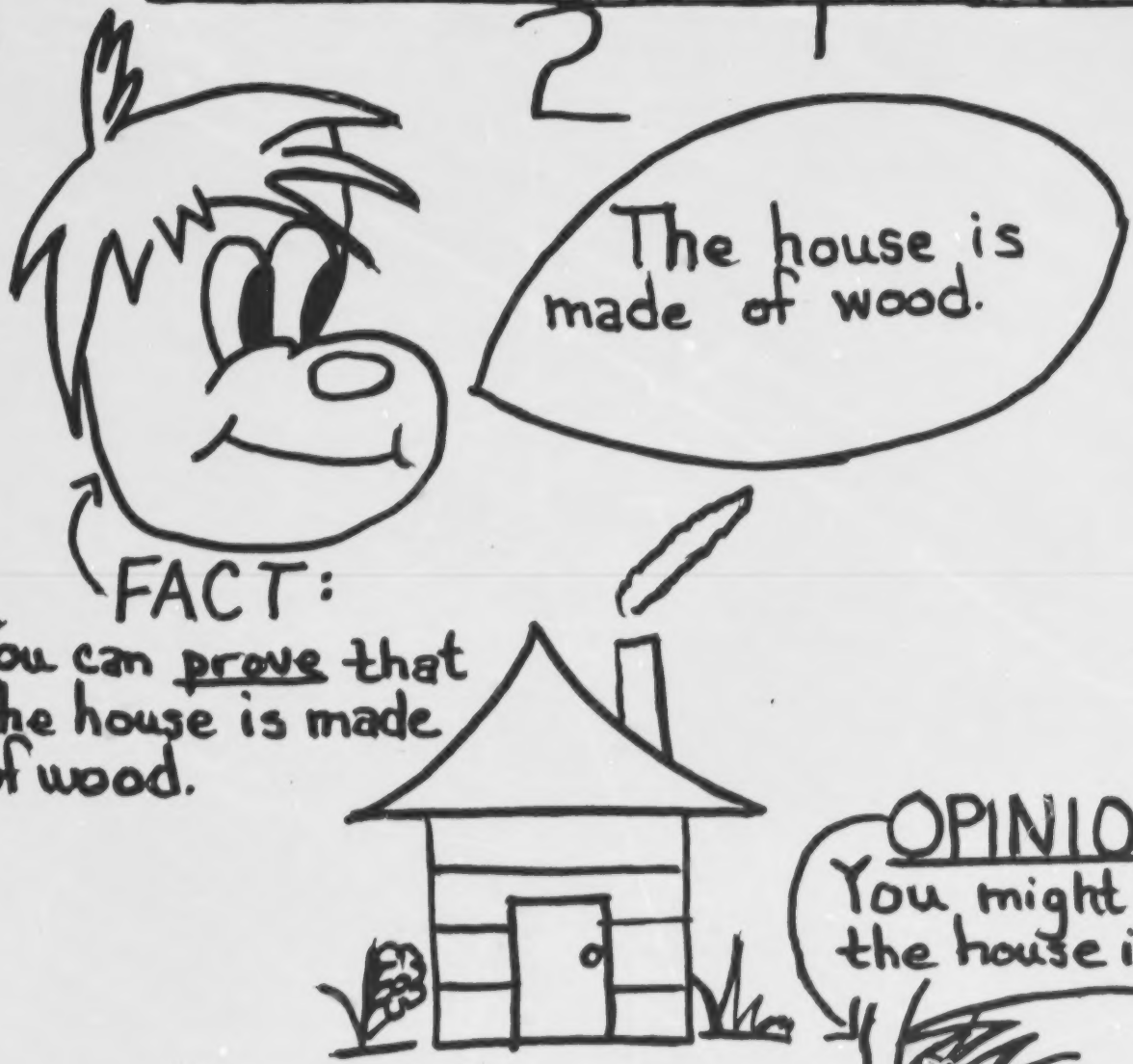
Facts and Opinions

1

A fact can be proven true beyond a shadow of a doubt.

An opinion is your personal feelings about something. It is how you <u>individually</u> describe an object or situation.

Facts and Opinions 2

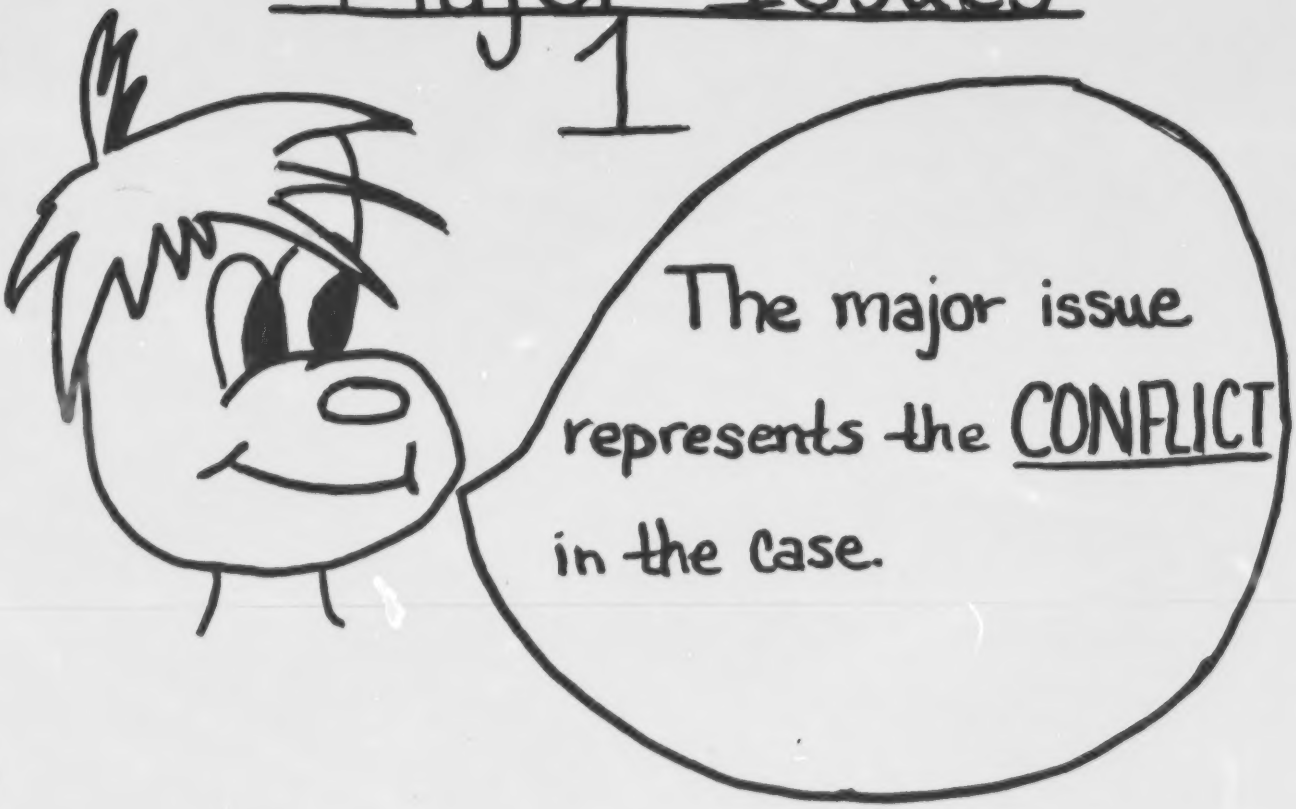


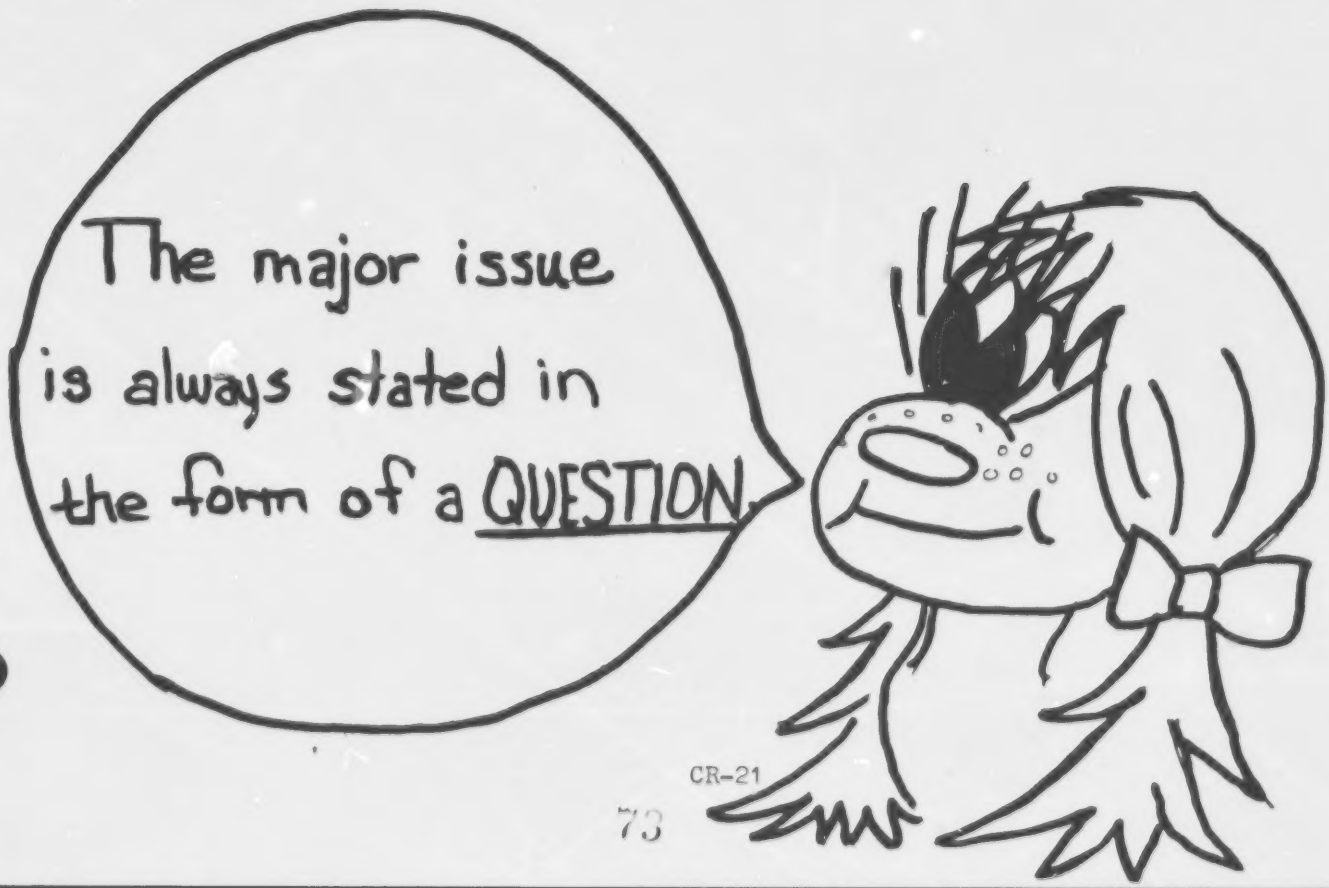
FACT:
You can <u>prove</u> that the house is made of wood.

<u>OPINION</u>:
You might think the house is ugly.

The house is pretty.

Major Issues 1

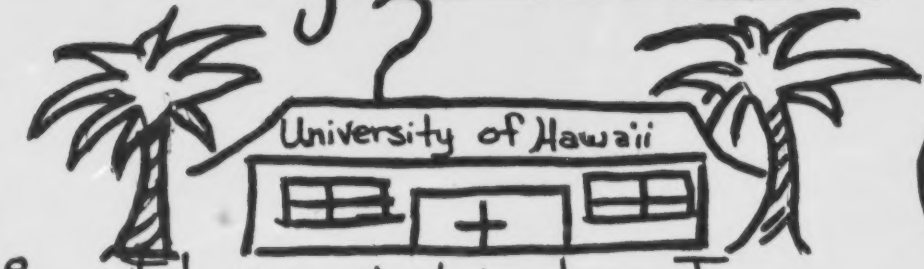




Major Issues

The Conflict:

To buy Jane a ring or to save the money for tuition.



John wanted to buy Jane a ring for her birthday. However, if he wanted to go to college in the fall, he had to save money for tuition. He was afraid that if he didn't buy Jane a ring, she would find a new boyfriend when he went away to school in the fall. He only had enough money to do one; John had to decide which was more important.

CR-22

Question Form

Should John buy Jane a ring or should he save the money for college tuition ?

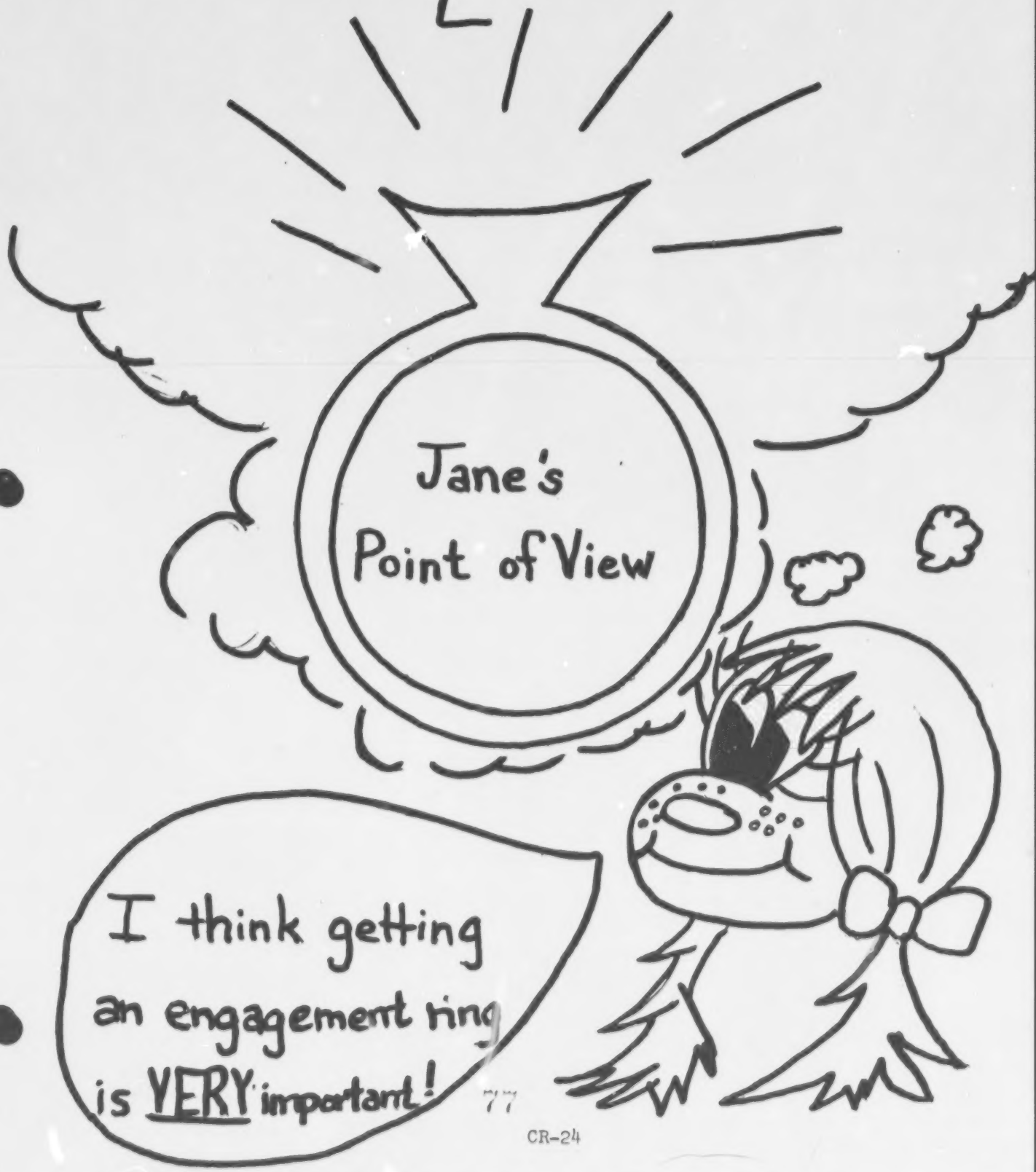
Opposing Points of View 1

Opposing points of view are CONFLICTING OPINIONS.

The way you see something might be different from the way your friend sees the same situation.

There are always at least TWO opposing points of view in a case. Sometimes, there are more.

Opposing Points of View 2



Opposing Points of View 3

Case Analysis

1.- List the facts.

2.- State the major issue in question form.

3.- Identify the opposing points of view.

4.- Decide which point of view best expresses your opinion and support it.

5.- Compare your reasoning with the actual court decision.

THE GIRL WHO DATED A WILDCAT!!!

Directions:

Read the story below. After reading, fill-in the outline at the bottom of the page. You may refer to your definitions and examples from the discussion at the beginning of the period, if necessary.

Jim Wildcat was a Cherokee Indian. He and his family used to live on a reservation, but they had recently moved to a nearby town where his father had a new job. Jim was going to attend the public high school located in the town.

As all Indians on the reservation, Jim and his father both had waist length hair, which they wore in braids. Needless to say, this made them "stand out in a crowd." now that they were living in a new town.

Since the high school Jim attended did not have a dress or grooming code, his long hair did not pose a legal problem. The other guys used to tease him in the beginning, but once they got to know him they realized that he was no different then the rest of them. Jim was now very much accepted by his peers and was quite happy at the public school.

That's when he met Sally Foster. Jim thought Sally was beautiful. She too had long braids...only hers were golden. Jim thought that Sally liked him too, but he was not sure.

Finally, Jim got up enough nerve to ask Sally out. Much to his surprise, Sally said yes!!! They decided to go to the basketball game on Friday night.

When Jim picked Sally up Friday night, she met him at the door with tears in her eyes.

"What's wrong?" Jim asked very much concerned.

"I can't go," Sally sobbed. "My father won't let me go out with you."

Just then Sally's father came to the door.

"Get out of here," he yelled. "No daughter of mine is going out with a guy who wears sissy pigtails. If you want to take my daughter out, get a decent haircut. And don't come back until you do!!!"

Mr Foster grabbed Sally, pulled her inside, and slammed the door in Jim's face. Jim slowly walked down the porch steps...very bewildered and upset. The way he wore his hair was a tradition of his people. It also had religious significance. He just couldn't cut his hair!

Still, he liked Sally a lot. And he didn't live on the reservation anymore. Maybe?!?!

Jim slowly walked home. There were tears in his eyes and a lump in his throat. He just didn't know what to do.

1. The facts are:

2. The major issue is:

3. The opposing points of view are:

4. I think Jim should:

FACT AND OPINION

Directions:
Place an F in the blank if you think the statement is a fact and an O in the blank if you think the statement is an opinion.

1.___The girl's dress is pretty.

2.___I have no money for lunch.

3.___My classes are boring.

4.___2 X 2 = 4.

5.___We do not go to school on Sundays.

6.___Ms. Jones if a grouchy old lady.

7.___The grass is wet.

8.___Red is a hideous color.

9.___His shoes are muddy.

10.___My teacher is beautiful.

TEACHER RESOURCE

CASE STUDY APPROACH

A. Designing Guidelines for Situations and "Original" Case Studies

The case study technique is a valuable complement to brainstorming. Brainstorming releases bolts of creative brain power, whereas case studies permit slow and gradual development of analytical skills. Training in both, with assists from the team-learning and circles-of-knowledge strategies, can aid individuals and groups to generate creative energy and channel the results into thoroughly scrutinized, logical, effective programs and projects.

Guidelines for Development

1. Form. Case studies are usually written in the form of "short, short" stories. They may also be written as plays or developed in other media, such as films and audio or video-tape dramatizations. On occasion, groups may present cases as psychodramas or sociodramas. The use of chronological sequence aids students in grasping the flow of events and dealing more quickly with the issues.

2. Focus. The case should focus sharply on a single incident, problem or situation. Training in analysis is aided by a high degree of concentration of the reasons that precipitated an action, situation or climate.

3. Relevance. Reality and frame of reference are critical to the success of this teaching tool. Those involved in the analysis of the case must be able to "recognize" the people and what they do as real or possible. The style of writing should capture the flavor of familiar places, people and actions at (or slightly above) the level of understanding of those participating.

4. Motivation. Participation in the development and actual writing or acting out of the roles in the case will stimulate the students to participate. Involving them in the types of cases and the goals will also increase the importance of the activity. The quality of the case presentation, its relevance and importance and the degree of involvement are all critical to the motivation of individuals or groups.

5. Procedure:
   a. Set up a question or problem to be considered. This can be either open-ended or closed. The issue involved may be contemporary or historical.

b. Provide materials for pupils to study. These materials should describe one case in some detail. Usually the materials will be reading matter for pupils to study. However, they could include film, pictures, tapes, and so on.

c. Let the pupils study the materials presented and test them in various ways. Before they begin studying the materials, you should introduce them to the problem or issue and point out important questions to consider when studying. Sometimes a study guide is very helpful at this point. Some of the newer books have developed study guides to use with the various cases they present.

d. Discuss the material. Discussions can be supplemented by role playing, panels and the like. The main idea is to get the pupils to look carefully at their own thinking and to reach reasonable conclusions.

6. Analysis. The questions must be developed in advance and others added as the group explores the problem, incident or situation. Questions should begin with simple factual "check points" and move into reasons, motivations, and analysis of the subleties and complexities of human experiences and interaction, as well as values, standards and other abstractions. Finally, applications should be designed from the conclusions reached.

The analysis should include questions designed to develop powers of understanding, defining, persuading, proving, explaining, describing, observing, perceiving, synthesizing, abstracting, building and solving. Motives, issues, values, causes, results, comparisons, judgments, conclusions, and applications are the grist for this intellectual and emotional mill.

RICHARDS V. TUURSTON
424 F. 2d. 1281 (1st Cir. 1970)

Facts

Robert Richards, a seventeen year-old boy, was suspended from school at the beginning of his senior year because he refused to cut his hair, which a local newspaper story had described as "falling loosely about the shoulders". Rober Thurston, the principal of the high school in Marlboro, Massachusetts, admitted there was no written school regulation concerning hair length or style but asserted that students and parents were aware that "unusually long hair" was not permitted. The parties submitted the case to District Court which granted an injunction ordering Robert reinstated in school. The case of Richards v. Thurston was heard on appeal by the 1st Circuit Court.

1. List the facts of the case.

2. What is the major issue?

3. What are the opposing points of view?

4. Which point of view do you support? Why?

5. What was the actual Supreme Court decision? Do you agree or disagree? Why?

THE DECISION

(SELECTED EXCERPTS)

What appears superficially as a dispute over which side has the burden of persuasion is, however, a very fundamental dispute over the extent to which the Constitution protects such uniquely personal aspects of one's life as the length of his hair. For this reason, we resist the understandable temptation to proceed directly to an application of the consitutional doctrine without attempting to ascertain its source as precisely as possible.

It is perhaps an easier task to say what theories we think do not apply here. We recognize that there may be an element of expression and speech involved in one's choice of hair length and style, if only the expression of disdain for conventionality. However, we reject the notion that plaintiff's hair length is of a sufficiently communicative character to warrant the full protection of the First Amendment.

We do not say that the governance of the length and style of one's hair is necessarily so fundamental as those substantive rights already found implicit in the "liberty" assurance of the Due Process Clause, requiring a "compelling" showing by the state before it may be impaired. Yet "liberty" seems to us an incomplete protection if it encompasses only the right to do momentous acts, leaving the state free to interfere with those personal aspects of our lives which have no direct bearing on the ability of others to enjoy their liberty...

We think the Founding Fathers understood themselves to have limited the government's power to intrude into this sphere of personal liberty, by reserving some powers to the people. The debate concerning the First Amendment is illuminating. The specification of the right of assembly was deemed mere surplusage by some, on the grounds that the government had no more power to restrict assembly than it did to tell a man to wear a hat or when to get up in the morning. The Founding Fathers wrote an amendment for speech and assembly; even they did not deem it necessary to write an amendment for personal appearance. We conclude that within the commodious concept of liberty, embracing freedoms great and small, it the right to wear one's hair as he wishes.

Once the personal liberty is shown, the countervailing interest must either be self-evident or be affirmatively shown. We see no inherent reason why decency, decorum, or good conduct requires a boy to wear his hair short. Certainly eccentric hair styling is no longer a reliable signal of perverse behavior. We do not believe that mere unattractiveness in the eyes of some parents, teachers, or students, short of uncleanliness, can justify the proscription. Nor, finally, does such compelled conformity to conventional standards of appearance seem a justifiable part of the educational process.

CASE ANALYSIS

Name of Case _____

1. The facts are:

2. The major issue is:

3. The opposing points of view are:

4. I support:

5. The Court's decision was:

GOSS VS. LOPEZ

Nine Columbus, Ohio school students (high school and junior high school level) were all suspended from their school for periods of up to 10 days. The suspensions in question arose out of a period of widespread student unrest in the school system during February and March, 1971. The conduct which caused their suspensions included: refusal to cease demonstrating in a school auditorium where a class was being conducted, physical attack of a police officer attempting to remove a demonstrating student who had refused to vacate the auditorium, participating in a lunchroom disturbance causing physical damage to school property, and an arrest resulting from attendance at a protest demonstration.

Ohio law provides for free education for all children between the ages of 6 and 21, with school attendance compulsory between the ages of 6 and 18. It also empowers a principal to suspend a student for up to 10 days, or to expel him, for misconduct. Misconduct is not legislatively defined, but in either case the principal must notify the student's parents within 24 hours of his action and provide reasons for it. An expelled student may appeal to the Board of Education, be heard, and be reinstated at the Board's discretion. There is no similar procedure for a suspended student to follow.

The three-judge court where Lopez had first brought suit found that the suspensions were in fact unconstitutional and held that there were minimum requirements of notice and hearing prior to suspension, except in emergency situations, in order to satisfy the due process requirements of the Constitution. In emergencies the court would countenance immediate removal , provided notice was given the student's parents within 24 hours and a hearing held within 72. The school administrators appealed this decision.

THE ARGUMENTS

Arguments:

A. Counsel for the students argued that since Ohio compels students to attend school between the ages of 6 and 18 years of age, students have a right to that education identical with a right in property. They contended therefore that to suspend a student without prior notice or without a hearing is for the state to deprive him of his "property" without due process safeguards as mandated by the 14th Amendment.

In addition, it was argued that the psychological injuries and the injuries to the students' reputations sustained by them constituted a deprivation of liberty without due process, also prohibited by the 14th Amendment.

B. Counsel for the educators argued that since there is no constitutionally guaranteed right to free public education, the due process clause should not be applicable to procedures used by school officials.

Furthermore, they contended that even if there were such a right, short suspensions resulted in so little harm to the student that application of the due process clause was not warranted.

OPINIONS OF TWO JUSTICES

A. One Justice contends that the state of Ohio, which can create a right to free public education, can also qualify that right by whatever statutory provisions it thinks appropriate. The state is well within the bounds of its authority, therefore, to impose a discipline upon students which is consistent with Ohio law, and it is unnecessary to supplant Ohio's notion of proper disciplinary procedure with that of the due process clause of the Constitution. Further, the students have not suffered a serious educational setback, nor has it been convincingly shown that the brief suspensions resulted in such grave damage to the students' reputations as to constitute a violation of their constitutional guarantee to liberty. Finally , it is necessary to balance the rights of the children involved (which are not "coextensive with those of adults") with the interest of the state in teaching discipline and maintaining an orderly school system: "In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools." Schools cannot begin to fulfill this responsibility without being able to administer effective discipline.

B. Another Justice argues that the right to free public education which Ohio has created by making education compulsory is tantamount to a right in property. Since the Constitution forbids that property be taken away without due process of law, students are entitled to receive notice and have a hearing before their right to education is withdrawn, even temporarily. In addition, notice and hearing are required in order that a student not be arbitrarily and unjustly deprived of his liberty: the damage to his reputation suffered when a student is suspended could keep him from associating with the people or attending the college of his choice.

GOSS V. LOPEZ

Majority Opinion

Mr. Justice White, in writing the majority opinion, pointed out that the State of Ohio is not obligated to furnish free education to its junior citizens. Once it had undertaken to do so, however, it is constrained "to recognize a student's legitimate entitlement to the public education postulated as a property interest protected by the Due Process Clause of the Fourteenth Amendment, and which cannot be taken away for misconduct without adherence to the minimum procedures required by that clause." Having reached this conclusion, the question then becomes, "What are the minimal requirements of due process when applied to the Ohio situation?"

The student's interests are two in number. First, there is the consideration of "liberty," because charges which are unrefuted could seriously damage the student's standing with his fellows and with his teachers. Then, there is "property," which is the element taken from the child when he is excluded from the educational process: "a serious event in the life of the suspended child." Neither the liberty nor the property interest "is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary." Due process must be related to each peculiar set of circumstances and cannot be standardized.

In the interests of other students so situated, however, certain constraints are necessary: "the student must be given some kind of notice and afforded some kind of hearing." (Emphasis White's.) The risk of error is not at all trivial, and it should be guarded against if that may be done "without prohibitive cost or interference with the educational process." These minimal guarantees are three in number: (1) that the student be given oral or written notice of the charges against him, and, if he denies them, (2) an explanation of the evidence the authorities have, and (3) an opportunity to present his side of the story. The clause requires that at least "rudimentary" precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school be taken by the authorities. In the majority of cases,

> ...the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred. We hold only that, in being given a opportunity to explain his version of the facts at this discussion, the student first be told what he is accused of doing and what the basis of the accusation is.

There may be two exceptions to the general rule that suspended students are entitled to minimal due process: (1) the student whose presence comprises a continuing danger to persons or property, and (2) the student who poses an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, "the necessary notice and rudinemtary hearing should follow as soon as practicable."

"In holding as we do, we are not doing any more than any fair-minded principal would impose upon himself in order to avoid unfair suspensions," White continued. "But we stop short of saying that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses...or to call his own witnesses..." To impose upon schools such "truncated" procedures would be too costly and might also destroy the effectiveness of suspension as an adjunct to the teaching process. This we would not do.

On the other hand, requiring that the student be permitted to give his version of the events will "provide a meaningful hedge against erroneous action." At least, it will alert the disciplinarian to the existence of two sides in the dispute, and allow for at least an informal "give and take" prior to the suspension.

Minority Opinion

The Nixon Four dissented from the majority's holding that an Ohio statute that permitted student suspensions from school for up to 10 days without a hearing is unconstitutional. "The decision unnecessarily opens avenues for judicial intervention in the operation of our public schools," wrote Mr. Justice Powell, "that may affect adversely the quality of education. The Court holds that a student has the right not to be suspended for as much as a single day without notice and a due process hearing either before or promptly following the suspension... In my view, a student's interest in education is not infringed by a suspension within the limited period prescribed by the Ohio law. Moreover, to this extent that there may be some arguable infringement, it is too speculative, transitory, and insubstantial to justify imposition of a constitutional rule." (Powell's emphasis.) "There is no constitutionally protected guarantee of a right to attend school."

The Ohio statute which creates the right to a free education also explicitly authorizes a principal to suspend a student for up to 10 days.

Thus the very legislation which "defines" the "dimension" of the student's entitlement, while providing a right to education generally, does not establish this right free of discipline imposed in accord with Ohio law. Rather, the right is encompassed in the entire package of statutory provisions governing education in Ohio - of which the power to suspend is one.

Without saying so, did the legislature intend to broaden due process to include suspensions as well as expulsions? The minority view could not quite bring itself to believe that it did. In concluding that a deprivation of not more than 10 days' suspension from school, imposed as a routine disciplinary measure, does not assume constitutional proportions, the minority opinion pointed out that each of the plaintiff students completed the semester in which the suspension occurred and performed at least as well as he or she had in previous years. Thus, there would appear to be no deprivation of a "property" right as outlined in the majority opinion.

Further, there was no evidence, declared the minority, that students were deprived of "liberty" resulting from the suspensions, nor did they suffer a loss of reputation because of what the State had none to them. The minority could not hold that the rights of children are co-existent with those of adults, as maintained in the majority opinion. Citing examples of this contrary point of view in contracts, in torts, and in criminal law and procedure, and most assuredly in the right to vote and hold office, the minority made it plain that it would not go so far as the majority had gone in Tinker in saying that children are "persons" under the Constitution. Instead, the majority had ignored the "experience of mankind, as well as the long history of our law," which recognizes that there are differences to be accommodated when determining the rights and duties of children as compared with adults. In any event, the Court should keep its nose out of strictly local and state affairs, and let school boards run the schools as they see fit.

On the question of discipline and control of students, Powell wrote for the minority:

> It is common knowledge that maintaining order and reasonable decorum in school buildings and classrooms is a major educational problem, and one which has increased significantly in magnitude in recent years...Few rulings would interfere more extensively in the daily functioning of schools than subjecting routine discipline to the formalities of judicial oversight of due process..(The large number of suspensions) in major cities (shows) a considerable reliance upon the right to suspend. They also demonstrate that if hearings were required for a substantial percentage of short-term suspensions, school authorities would have time to do little else.

The argument that suspension of students is right because it is so widely used lacks conviction to this writer. It does represent, however, the concept that majority rule should be followed where common practice leads to widespread adoption of policy.

In reading the minority opinion, one would expect to find an exploration - even a mention - of the concept of in loco parentis and its implications for student suspension. Unfortunately, such argument is entirely lacking. This point of view would have emphasized that anyone who assumes the role of teacher, administrator, etc., becomes in effect a "child advocate" who is charged with protecting the rights of his charges, rather than a state agent bent of disciplining them.

Finally, what of the future? If the majority opinion is allowed to dominate the schools, said the minority, the role of the federal judiciary will be greatly enlarged.

> No one can forsee the ultimate frontiers of the new "thicket" the Court now enters. A flood of litigation followed Tinker despite Mr. Justice Black's warning (that a new era of Supreme Court activism in student affairs) would result...As it is difficult to

> think of any less consequential infringement than suspension of a junior high school student for a single day, it is equally difficult to perceive any principled limit to the new reach of procedural due process.

Reduced to its lowest common denominator, the majority opinion seems to say that gates of intervention should be carefully controlled - even closed - by the federal judiciary in favor of more control of state and local forces. In Rodriguez, the Nixon Four had been joined by Mr. Justice Stewart in declaring that the right to an education is not constitutionally guaranteed. Had the minority been able to garner another vote, what you have just read would now be majority law.

Source: M. Chester Nolte, "Are Students 'Persons' Under the Constitution?" Law in American Society, February, 1976.

WOOD VS. STRICKLAND

1975

Facts:

Peggy Strickland and Virginia Crain were sophomores at Mena Public High School, Arkansas, and were members of the Home Economics class there. They were responsible for providing refreshments for a meeting of this group after school hours, but on school premises, to be attended by both parents and students. Peggy, Virginia and a third girl decided to "spike" the punch they would serve and, since their school is located in a "dry" county, drove across the border to Oklahoma where they purchased 2 12 oz. bottles of a malt liquor and 6 10 oz. bottles of a soft drink. Having mixed these together in an empty milk carton, they returned to school where they served their "spiked" punch with some misgivings, but with no apparent effect.

Mena Public H.S. had in effect at that time a regulation prohibiting the use or possession of intoxicating beverages at school or school activities. Any infraction of this rule was to result in suspension from school for the balance of the semester, with the suspension and the reason for it noted on the student's permanent record card.

Ten days after their prank, Peggy and Virginia were questioned about the "spiking" incident by the teacher in charge of their Home Ec group, Mrs. Powers . On her advice they reported their misconduct to the principal who suspended them for a maximum two-week period, subject to a decision by the school board.

The school board dealt with the matter at two separate meetings. At the first meeting, leniency for the girls was recommedded by Mrs. Powers and by the principal, but that recommendation was withdrawn when they learned that the third girl involved in the punch spiking had been in a fight at a basketball game the very evening of the board's meeting. The girls were then suspended for the balance of the semester, about three months. Neither the girls nor their parents were present at this meeting, but they did attend a second one, held two weeks after the first. At that time, the board voted to adhere to its original policy and continue to enforce the suspension.

Strickland, et al. claimed in District Court that their federal Constitutional right to due process had been abridged by their suspension and sought money damages from the school board members for this infringement.. The court found for the board members, on the grounds that, without proof of malice, they were immune from liability because they had been acting in an official capacity. The Court of Appeals (8th Circuit) reversed that judgment and remanded the case back to lower court. Strickland et al. appealed to the Supreme Court.

1. Counsel for the girls argued that their suspension was in violation of constitutional due process requirements and that the responsible school board officials owed them money damages for that violation.

2. Counsel for the board members asserted that, as they had been in the line of duty when they acted to suspend the girls, they were immune from liability for their actions.

SUPREME COURT DECISION

WOOD VS. STRICKLAND

Reasoning of the Court:

1. There is a qualified immunity from liability attached to public officials when acting in good faith in the course of duty: "It is the existence of reasonable grounds for the belief formed at the time and in light of all the circumstances, coupled with good faith belief, that affords a basis for qualified immunity of executive officers for acts performed in the course of official conduct."
   Scheur V. Rhodes, 416 U.S. 232, 248 (1974)

2. Not only do case law and common law support the notion of qualified immunity, but there are strong public policy reasons for the recognition of such a principle:

   a. to avoid intimidation of executive officers faced with policy decisions;
   b. to avoid the necessity for executive officers to sustain liability - money damages - for their good faith conduct, else school boards would be entirely comprised of the independently wealthy;
   c. to ensure that people of high intelligence and good character will continue to volunteer for and assume positions of public responsibility.

3. BUT - "Ignorance is no excuse;" that is, immunity from liability does not extend to school officials who act in ignorance of student rights of which they should be cognizant.

Decision:

For Strickland et. al.

"In the specific context of school discipline, we hold that a school board member is not immune from liability for damages...if he knew or reasonably should have known (emphasis supplied) that the action he took within his sphere of official responsibility would violate the constitutional rights of the student affected, or if he took the action with the malicious intention to cause a violation of constitutional rights or other injury to the student."

Dissenting Opinion:

Chief Justice Burger and Justices Powell, Blackmun and Rhenquist dissented on the grounds that the standard set by the majority for immunity from liability for executive actions was too harsh and left little substance to the doctrine of qualified immunity.

They expressed the opinion that responsible, qualified persons might no longer voluntarily seek school board positions if they feared they would have literally to pay for their good faith decisions.

THE NITZBERG CASE I

The principal of Woodlawn Senior High School, acting on regulations passed by the Baltimore County Board of Education entitled "Students Rights and Responsiblities," prohibited the distribution of non-school literature on the school campus without prior preview of the administration. This action was precipitated (caused) by the publication and distribution of a paper by plaintiffs Richard Smith and Sam Nitzberg which was judged to contain an article obscene and "demeaning to the school" The article was about cheerleaders and described them as "sex objects." Although the principal was later advised to allow the literature to be distributed, the plaintiffs refused to distribute.

The plaintiffs alleged that rule number 5130 of the Baltimore County's "Students Rights and Responsibilities" document violated the First and Fourteenth Amendments insofar as it authorized prior restraint of "non-school literature." If the Board of Education exercises prior restraint (materials cannot be published until approved) then more specific guidelines guaranteeing due process should be set up and the "fear of distribution" must not be used as a reason to ban distribution.

The Board of Education argued that literature may be distributed and posted by the student of the subject school in designated areas on school property as long as it is not obscene or libelous--and as long as the distribution of said literature does not reasonably lead the principal to forecast substantial disruption of or material interference with school activities. The board, therefore, defended its procedures that had recently been re-written in order to meet demands of recent court decisions.

The specific procedures are as follows: If a student desires to post or make a distribution of free materials which is not officially recognized as a school publication, the student shall submit such non-school material to the principal for review and prior approval. In exercising this right of prior restraint, principals shall follow the procedures specified in this policy. The principal shall render a decision and notify the student within two (2) pupil days of each submission. If the decision is in the negative, the principal shall state his reasons to the student in writing. During this period of review, any supply of the material may be retained by the student or may be left with the principal for safe-keeping. Distribution of such material during the review and appeal period, or following a negative decision, shall be sufficient grounds for confiscation of such material and suspension of the student by the principal. If the student is dissatisfied with the decision of the principal with respect to the distribution of a non-school publication, he may appeal to the appropriate area superintendent who shall render a decision within three (3) pupil days of such appeal. If an administrator fails to act within the time periods specified in this paragraph, the student(s) who submitted the literature for review may distribute the same. (appeal from a decision of an assistant superintendent is to the superintendent of schools and thence to the Board of Education at the time of its next regularly scheduled meeting.)

The court found that as to procedural safeguards, the Board of Education's regulations were valid. He did, however, believe that the regulations did not sufficiently spell out what was forbidden so that a reasonably intelligent student would not know what he might write and what he might not write. He specifically questioned the words "libelous" and "obscene" and if they were "constitutionally defined." He also struck the Board regulation that said, "a publication may be banned if it interferes with the personal liberty of the individual under the Bill of Rights." He said it appeared to be a catch-all the Board used on anything it did not approve. He directed the Board to make corrections.

THE DECISION

THE NITZBERG CASE

Chief United States District Judge Edward S. Northrop in the Nitzberg I Case found that the Board of Education had the proper procedures in their "Guidelines for Distribution of Student Literature," however, a clarification of the meanings of certain words and phrases was ordered. Although this might seem to have been a victory, in part, by the plaintiffs, they appealed the next level because they believed their due process was abridged and that the procedures were invalid.

At the U.S. Court of Appeals for the Fourth Circuit on April 14, 1975, a decision (Nitzberg II) was handed down that reprimanded Judge Northrop and the school board for abridging the due process rights of the plaintiffs. First, in the "Guidelines for Distribution of Student Literature," an opportunity to have a fair give-and-take hearing with the administrator before the latter ruled on the distribution of said publication was not included. Turning over a copy for the administrator was not the same as an informal hearing for no interaction was to take place according to the "Guidelines."

Second, there was no time period in which he had to react, specified for assistant superintendent or the superintendent of schools. Third, the principal had to render a decision within two (2) pupil days, however, a pupil day was not defined. If a publication was presented to the principal on Friday at 3:00 p.m., did he have until the following Tuesday? Or if a five day holiday followed the submission, did the student have to wait 7 days? The principle of a quick disposition that is so necessary in free speech cases was therefore violated.

Therefore, the higher court reversed the earlier finding that the school board's policy violated First and Fourteenth Amendment rights.

SEARCH AND SEIZURE

Privacy in the Schools

What about lockers?

Friday morning each of the men teachers found a note in his mailbox from Dr. Jones, the principal, asking for help in a search of student lockers after school. There were only three days left before school was to close for the summer, and all library books should have been returned the previous day. However, Mrs. Adams, the librarian, reported more than 200 books were still missing. After waiting 30 minutes after classes let out so that students could clear out of the halls, the custodians used their master keys to open all of the lockers. The male teachers then searched the lockers for the missing library books. Two of the teachers asked the principal if they should also confiscate the numerous Playboy magazines and packs of cigarettes they found. Dr. Jones told them to ignore everything but the library books during this particular search.

The search turned up 72 missing books. Assuming that the books were an average of $5.00 each, this represented a saving to the library of about $360.00. Of course, permission was not obtained from students to search their lockers. However, students in whose lockers books were found were not punished. The administration was satisfied to get back some of the missing books. In addition, none of the students' personal property was taken or disturbed.

When students returned to school on Monday, word had gotten around that the lockers had been searched, and several students were angry that the school had been"snooping on them" and that their privacy had been invaded. Dr. Jones had the reputation among students of being reasonable and approachable, and so a small delegation of students went to him to complain during the lunch period. After hearing their complaints, Dr. Jones said that he wanted to respect the students' privacy, but he thought the search was justified because the lockers were school property and not private property of students, and because 72 books--essentially stolen property--had been recovered.

This particular incident, based on a real case, ended on a friendly note. The students liked and respected the principal and grudgingly appreciated that nothing was taken but the library books and that no accusations were made against students in whose locker books had been found.

SEARCH AND SEIZURE

1. Who owns school lockers?

2. May school officials authorize outsiders to search student lockers?

3. Does the principal have the right to search a student's locker?

4. Can the principal have a lock removed from a school locker?

5. Should the student locker be respected as private property and only through the proper legal methods can a locker be searched by the school administration?

6. What is the policy of your school in regards to locker searches or inspection?

POST - TEST ON STUDENT RIGHTS AND RESPONSIBILITIES

Part I — Multiple Choice

Directions: Place the letter of the best choice in the blank to the left.

_____1. Freedom of speech:

a. is an unrestricted right of all Americans.
b. must be interpreted to mean that anyone can say anything he/she wants.
c. carries responsibilities just like any other rights Americans enjoy.
d. enables students to use offensive and abusive language in school.

_____2. The freedom of assembly includes the right to:

a. demonstrate peaceably.
b. organize a lynch mob.
c. have a sit-down strike in the middle of a busy intersection.

_____3. The Court case which said the school could not force a student to cut his hair was:

a. Wood vs. Strickland
b. Richards vs. Thurston
c. Goss vs. Lopez
d. West Virginia State Board vs. Barnette.

_____4. The rights of individuals:

a. are unlimited.
b. are limited.
c. are guaranteed in all countries.
d. are not guaranteed in any society.

_____5. The Fourth Amendment:

a. protects students from having their clothing searched.
b. allows search if probable cause can be proven.
c. limits the rights of students.
d. both a and b.

_____6. Saluting the flag:

a. is required of all students.
b. is required only in Carroll County.
c. is an activity some students may choose not to do.
d. requires the loyalty of everyone.

____7. The test of whether or not a student had to salute the flag was:

a. Wood vs. Strickland
b. West Virginia State Board vs. Barnette
c. Goss vs. Lopez
d. Richards vs. Thurston.

____8. The first ten amendments to the Constitution are called:

a. Magna Carta
b. Declaration of Independence.
c. Bill of Rights.
d. Federalist Papers.

____9. The First Amendment to the Constitution deals with:

a. rights to bear arms.
b. searches and seizures.
c. quartering troops.
d. freedom of opinion.

____10. The right to assemble in school:

a. is an absolute right
b. allows students to congregate wherever they choose.
c. requires only that demonstrations be peaceful and non-disruptive.
d. none of the above.

____11. Due process is:

a. notice of charges.
b. opportunity to prepare a defense.
c. an orderly hearing.
d. all of the above.

____12. Students must be given due process:

a. when suspended.
b. when expelled.
c. when discharged from school upon reading the age of compulsory school attendance.
d. all of the above.

____13. The case which stated that students have the right to due process of the law was:

a. Wood vs. Strickland.
b. Goss vs. Lopez.
c. Abington vs. Schempp.
d. Richards vs. Thurston.

____14. Which of the following information can be withheld from a parent or a student?

a. I.Q. data.
b. standardized test results.
c. disciplinary information.
d. none of the above.

____15. The Nitzberg Case:

a. dealt with search and seizure of student lockers.
b. was found to be a good example of libelous statements by students.
c. resulted in stronger guarantees of students rights under due process.
d. resulted in complete control of student rights by the principal.

____16. The case that ruled on the distribution of literature during school hours was:

a. Wood vs. Strickland.
b. The Nitzberg case.
c. Abington vs. Schempp.
d. Richards vs. Thurston.

____17. If a student chooses <u>not</u> to salute the flag:

a. He will be suspended.
b. He does not have to.
c. A written report of his disruptive behavior will be placed in his permanent file.
d. His parents will be informed of his behavior.

____18. All of the following are student rights except:

a. choosing not to join in a flag salute.
b. choosing to sign a petition in school.
c. choosing to wear any type of clothing.
d. helping to set up school rules.

____19. Students have the right not to be discriminated against because of:

a. race
b. religion
c. sex
d. all of the above.

____20. Students have a right to be involved in:

a. planning of assemblies.
b. evaluation of curriculum.
c. an effective student government.
d. all of the above.

Part II: - True/False

Directions: Place a T or an F in the blanks to the left.

____1. The Fourteenth Amendment is an extension of the Fifth Amendment.

____2. If a principal believes many students will become disruptive as a result of the distribution of a "controversial" student newspaper, he may ban its distribution.

____3. A school can prohibit students from handing out all literature including underground newspapers, on school property.

____4. School boards have the right to develop rules and procedures for what students can distribute in school.

____5. Principals can exercise prior restraint on non-school publications.

____6. The case of Richards vs. Thurston decided that the length of one's hair was not necessarily an indication of perverse behavior.

____7. Schools are not permitted to regulate the length of hair or dress of a student.

____8. The Fourth Amendment protects citizens against searches of their persons as well as their property.

____9. There are times when the principal of a school does not have the right to search a student's locker.

____10. At present, in order for a search of a student's locker to be legal, a search warrant signed by a judge must be obtained.

____11. A public school student has almost as little protection against the search of his person as against the search of his locker or desk.

____12. A principal retains the right to search a student's locker.

____13. The Fourteenth Amendment states that no state shall deprive any person of life, liberty, or property without due process of law.

_____14. Students may be suspended without a hearing unless they have committed a criminal offense.

_____15. Students have the right to a hearing everytime a teacher or principal punishes them.

_____16. In an expulsion case, once a decision has been made by the local school board there can be no appeal, as long as the student's right to due process was not violated.

_____17. A student cannot be suspended by a principal unless he is in violation of a specific written school rule.

_____18. For every right a student has there is a responsibility.

_____19. Carroll County has a rights and responsibilities code which is standard for all county schools.

_____20. Students are assured confidentiality of their school records except from principals, teachers, parents, and prospective employers.

UNIT TEST ANSWER SHEET

I. Multiple Choice

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

II. True - False

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

PRE - TEST ANSWERS

I. Multiple Choice		II. True - False	
1.	C	1.	T
2.	A	2.	F
3.	B	3.	F
4.	B	4.	T
5.	B	5.	F
6.	C	6.	T
7.	B	7.	F
8.	C	8.	T
9.	D	9.	T
10.	D	10.	F
11.	D	11.	T
12.	D	12.	T
13.	D	13.	T
14.	D	14.	F
15.	C	15.	F
16.	B	16.	F
17.	B	17.	T
18.	C	18.	F
19.	D	19.	T
20.	D	20.	F

Name _____

SKILLS QUIZ

I. Directions: Write a brief definition of the terms listed below. Then, give an example to illustrate each term.

1. Fact:

2. Opinion:

3. Opposing points of view:

4. Major issues:

II. Matching: Match the term on the left with the correct example on the right. You may have more than one letter in the left hand column.

1. _____ Facts
2. _____ Opinions
3. _____ Opposing points of view
4. _____ Major issues.

a. The grass is green.
b. Have my rights been violated?
c. She is pretty/She is ugly.
d. I think John is nice.
e. That dress is attractive.
f. Should I stay home or go to the movies?
g. Summer begins on June 21st.
h. Money is the most important thing in life/Money is the root of all evil.
i. He is the most disagreeable person I have ever met.

"HYPOTHETICAL CASES"

CASE STUDY 1 (DRESS CODE)

Mary Jane, a student at Lincoln High School was notified by the administration that she would have to leave school and change the blouse she was wearing. The reason given by the administration was that the blouse she was wearing was immodest and caused distraction in the halls and classrooms. Mary Jane's parents returned to school with her and claimed that she had permission to wear the blouse and that the principal had no right to interfere. Mary Jane's mother also stated that the blouse was expensive and was in fashion at the time. The principal referred the mother to the dress code and told her that she was in violation of the local document and if she wore the blouse again, she would be suspended.

Questions to consider:

1. Should school boards have the authority to adopt dress codes?
2. Does the administration of the school have the right to decide on what is immodest?
3. Does dress fit with the area of personal taste; therefore, protected by constitutional rights?
4. Should the school have to prove that the type of dress worn can cause problems in the operation of the school?
5. How do , your county guidelines interpret the rights of students regarding dress?
6. How would you have handled this case?

"HYPOTHETICAL CASES"

CASE STUDY 2 (FLAG)

In the morning of the 1st day of school, James Arnold is brought to the principal's office by his homeroom teacher, who states he refused to stand and say the pledge to the flag. The teacher also states he continued to talk to other students around him.

Questions to consider:

1. Are the constitutional rights of James Arnold being violated by the teacher?

2. Are the rights of other students being violated by the actions of James Arnold?

3. What does your county guide say about this issue?

4. How would you have handled this case?

"HYPOTHETICAL CASES"

CASE STUDY 3 (RIGHT TO ASSEMBLE)

Students from the Lakewood High School stage a sit-in to protest the service and quality of food being served in the cafeteria. Monday, 200 students refused to leave the cafeteria. The principal was called and stated if the students did not leave the cafeteria, they would be suspended for disrupting the operation of the school. About 50 students refused to leave and were suspended. The students later stated that the demonstration was conducted in an orderly fashion and was not noisy or violent. Most of the student body supported the 200 students who took part in the demonstration.

Questions to consider:

1. Was the suspension of these students a violation of their constitutional rights?
2. Should "sit-ins" be allowed in the school?
3. Does the purpose of the demonstration have any bearing on the right to demonstrate?
4. What do your local guidelines say about the right to assemble in the school?
5. How would you have handled this case?

"HYPOTHETICAL CASES"

CASE STUDY 4 (STUDENT RECORDS)

Alice has a confrontation with one of her teachers. The teacher threatens to place a note in her file in the guidance office stating that Alice will not follow directions and becomes hostile and aggressive when corrected.

Questions to consider:

1. Does Alice have the right to inspect her records in the guidance office?

2. Does the teacher have the right to place notes relating to student conduct in individual folders?

3. Should the student have the right to refute derogatory notes before they become part of his/her record?

4. Are her constitutional rights being violated?

5. What do your county guidelines say about the rights to privacy and school records?

6. How would you have handled this case?

CASE STUDY QUIZ A

Peggy Strickland and Virginia Crain were sophomores at Mena Public High School, Arkansas and were members of the Home Economics class there. They were responsible for providing refreshments for a meeting of this group after school hours, but on school premises, to be attended by both parents and students. Peggy, Virginia and a third girl decided to "spike" the punch they would serve. Since their school is located in a "dry" county, they drove across the border to Oklahoma where they purchased two 12 oz. bottles of a malt liquor and six 10 oz. bottles of soft drink. Having mixed them together in an empty milk carton, they returned to school where they served their "spiked" punch with some misgivings, but with no apparent effect.

Mena Public H.S. had in effect at that time a regulation prohibiting the use or possession of intoxicating beverages at school or school activities. Any infraction of this rule was to result in suspension from school for the balance of the semester, with the suspension and the reason for it noted on the student's permanent record card.

Ten days after their prank, Peggy and Virginia were questioned about the "spiking" incident by the teacher in charge of their Home Economics group, Mrs. Powers. On her advice, they reported their misconduct to the principal who suspended them for a maximum two-week period, subject to a decision by the school board.

The school board dealt with the matter at two separate meetings. At the first meeting, leniency for the girls was recommended by Mrs. Powers and by the principal, but that recommendation was withdrawn when they learned that the third girl involved in the punch spiking had been in a fight at a basketball game the very evening of the board's meeting. The girls were then suspended for the balance of the semester, about three months. Neither the girls nor their parents were present at this meeting, but they did attend a second one, held two weeks after the first. At this time, the board voted to adhere to its original policy and continue to enforce the suspension.

The students went to District Court charging the Board of Education for violation of their rights.

CASE STUDY QUIZ B

During Black History Week in Columbus, Ohio in 1971, high school students clashed with administrators over which community leaders should be allowed to speak at school assemblies. The arguments quickly led to disturbances and in turn, to mass suspensions.

One plaintiff, Dwight Lopez was suspended without a hearing from Central High School in connection with disturbance in the lunch room which involved some physical damage to school property. Lopez testified that at least 75 other students were suspended from his school on the same day. He also testified that he was not a party to the destructive conduct, but was instead an innocent bystander. Although Ohio had a state law allowing school officials to suspend pupils for up to 5 - 10 days without a hearing, the plaintiff argued that this was in violation of his rights guaranteed by the 14th Amendment.

It was argued that education is perhaps the most important function of state and local governments and the total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended student. Therefore, if a student is to be suspended, he must be given oral or written notice of the charge immediately and be allowed to give his side of the issue. If these events do not take place, he is not being given due process under the law as guaranteed by Amendment 14. The due process clause also forbids arbitrary deprivation of liberty or property without adherence to minimum procedures required by that clause.

The Columbus school system argued that even if students had a right to public education protected by the Due Process Clause, the clause comes into play only when the state subjects a student to "severe detriment or grievious loss." The loss of 10 days it was said was neither severe nor grievous and the due process clause is therefore of no relevance. Further, the school district argued that control over student actions in the future would be diminished if disruptive students could not be suspended immediately without a hearing.

The court found in favor of Lopez and other students since they were denied due process of law in violation of the 14th Amendment because they were, "suspended without hearing prior to suspension or within a reasonable time thereafter," and that the law and the related school procedures were unconstitutional. The judges believed that students facing temporary suspension from a public school have property and liberty interests that qualify for protection under the Due Process Clause. Since misconduct charges if sustained and recorded could seriously damage the students reputation as well as interfere with later educational and employment opportunities, the states could not unilaterally (on their own) and without process suspend for they would be depriving the student of liberty and property interests.

CASE STUDY ANSWER SHEET

1. Summarize in 75 - 100 words the basic facts of the case.

2. State the major issue(s).

3. State the arguments (2 points of view).

   A.

   B.

4. State which argument you support, then explain why, using at least one principle of law.

WHATEVER HAPPENED TO DUE PROCESS?

Directions: Read the story below. Tom, the central character, has obviously been denied due process of the law. First, in the space provided, write a definition of the term "due process of the law." Then, in the space below, list what you consider to be examples of direct violations of Tom's Constitutional right to due process.

1. Due process of the law:

2. Tom, a student at Carroll High School, was in big trouble. Students at Carroll held a sit-down strike in the cafeteria protesting the "horrible" food that was served there. Tom, along with about 1,000 other students, participated in the strike. No one bought lunch that day but no one went to class either. The principal, Mr. Jones, was very angry as he watched the students pile into their buses at three o'clock.

"I'll get to the bottom of this," he yelled, "This is a public high school, not a protest rally!"

The next day, before homeroom, Tom was called into the principal's office. He had no idea what he had done. After all, it couldn't have anything to do with yesterday or there would be 999 other students in the office waiting to see the principal. Tom hadn't done any more or less than anyone else.

Soon after his arrival, Tom was escorted into the principal's office. He slowly sat in a soft leather chair as Mr. Jones stared icily right through him.

"What have you got to say for yourself, young man?" Mr. Jones sternly inquired. "Don't bother to lie. We know all about your involvement."

"What are you talking about?" asked Tom. And he wasn't kidding either. He was totally bewildered.

"Don't play games with me," bellowed Mr. Jones. "One of your friends started feeling guilty over this sit-in thing and contacted me. I know exactly what role you played in organizing it."

"I don't know what you're talking about," retorted Tom. "I didn't have anything to do with organizing the sit-in. Just who informed you of my role in this?"

"You really don't expect me to answer that, do you? " chuckled Mr. Jones. "That kid would never help us out again."

"Then at least tell me what I'm accused of," Tom snapped angrily. "What am I supposed to have done?"

"Don't play games with me," yelled Mr. Jones. "You know very well what it is, and I'm sure you've been in this kind of trouble before."

"I don't even know what kind of trouble you're talking about!" Tom was really upset now. He had no idea what was going on. "If you get out my school record, you'll see that I've never been in <u>any</u> kind of trouble before."

"You know you can't see those records. They're confidential," said Mr. Jones. "And, in addition, you're suspended until further notice. I'm too angry to even bother to call your parents. Just go!"

"But..." Tom uttered as he got up shakily.

"Just go!" Mr. Jones cut in.

"But..." Tom began again.

"GO!!!" shouted Mr. Jones.

Tom slowly walked out the door and headed for his car. He was thoroughly confused. He didn't know what he did or who told the principal or anything else. And Mr. Jones didn't seem too interested in finding out the truth. Well, he had rights too. And his father wasn't going to like Mr. Jones' attitude in this situation. No, his father wasn't going to be happy at all. He'd know what to do. Mr. Jones better have a good lawyer!

In the space below, list the violations of Tom's right to due process which you found in the story.